



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 20 October 2005.

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DÁIL ÉIREANN

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Déardaoin, 20 Deireadh Fómhair 2005.
Thursday, 20 October 2005.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
 —————

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 discuss a matter of national importance and concern, namely, the inadequate offers of compensation to residents affected by the Dublin Port tunnel; the urgent need to assist the 214 residents whose homes have been damaged during construction; the need to deal with cracks, flooding in the tunnel and the pollution of the River Tolka and ensure that all residents along or near the tunnel route are given the maximum support and assistance.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the recent Shape of the World survey into the correlation between waist size and heart disease, the necessity to safeguard the public from the consequences of waist-line obesity and calls for the implementation of the recommendations of the national task force on obesity to ensure the banning of junk food and vending machines in primary schools, the achievement of at least 30 minutes dedicated physical activity daily and the promotion of access to healthy food.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the need for the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to clarify his position on the proposal made by a small unrepresentative group in Erris to row back on his order to Shell to dismantle the illegally welded section of the onshore Corrib gas pipeline, given that it has already taken the company 79 days to comply with the order and the need to

explain the reason he is giving credence to the Shell proposal by agreeing to meet representatives of the company on this matter later today and has not already acted to defend the integrity of his order.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to debate an issue of urgent national importance, namely, the alarmingly high drop-out rates among students at second level, particularly young males, the need to identify and tackle the causes of this social timebomb and the need for the Government and Minister for Education and Science to stop sticking their heads in the sand when it comes to properly resourcing the Educational Welfare Board and funding the education system in general.

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

Order of Business.

Minister for Finance (Mr. Cowen): It is proposed to take No. 18, Social Welfare Consolidation Bill 2005 — Second Stage (resumed); No. 1, Statute Law Revision (Pre-1922) Bill 2004 [*Seanad*] — Second Stage; and No. 2, Parental Leave (Amendment) Bill 2004 [*Seanad*] — Second Stage.

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

Mr. Kenny: I am sure Deputies will share my expression of abhorrence on behalf of the Irish people at the kidnapping of Irish journalist, Rory Carroll, in Baghdad. I commend the swift action of the Government on a political and diplomatic level to ensure Mr. Carroll's early and safe release. As Deputies will be aware, his father, Joe Carroll, was a respected figure around the House for many years and those of us who have been in the Houses for some time will know him well. In that sense, this is a matter of grave concern to us. I assure the Minister that the Fine Gael Party will assist the Government on this matter in any way possible and will be happy to accommodate its activities to ensure Mr. Carroll's early and safe release.

In view of the rising level of inflation, when will we see the promised national consumer agency Bill? On 3 February this year, I raised with the Tánaiste and Minister for Health and Children questions from Deputy Twomey about the procedures that apply to the appointment of senior management of the Health Service Executive. The Minister answered these questions but last Thursday, in respect of clarification of a matter arising from the questions of 3 February, she decided to pass on questions to the HSE. Perhaps

[Mr. Kenny.]

the Minister will communicate with the Tánaiste on this matter.

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

Mr. Kenny: I know the Minister does not have responsibility for questions.

Mr. Cowen: Will the Deputy repeat his second point?

Mr. Kenny: The Tánaiste and Minister for Health and Children answered questions on 3 February about procedures for the appointment of senior staff to the Health Service Executive.

An Ceann Comhairle: The matter does not arise on the Order of Business. The Deputy should raise it with the Minister for Health and Children directly.

Mr. Kenny: Last Thursday, the Minister passed on the matter in its entirety to the HSE. In other words, she has refused to answer questions related to ones she answered previously.

Mr. Cowen: I thank Deputy Kenny for his comments and join him in expressing the common sentiment of the House that Deputies hope the kidnap of Rory Carroll will be ended immediately. The House calls on anyone who has influence with the group in question to use it. Obviously, the Minister for Foreign Affairs and our diplomatic staff in the general area are doing all they can through their contacts to facilitate Mr. Carroll's early release. The House sympathises with Mr. Carroll's family in this difficult time and hopes he will be returned to them safely. The consumer agency Bill is not on the list. Obviously it is a priority matter for the Minister for Enterprise, Trade and Employment and he is preparing that legislation as quickly as possible. We expect inflation this year to be about 2.4% and we have a close relationship with the EU rate of inflation since we joined the euro area eight years ago. Obviously the recent monthly figure showed the impact of rising oil prices but the overall annualised figure should be approximately 2.4% this year.

Mr. Rabbitte: The House is united in concurring with the sentiments expressed by Deputy Kenny and the Minister for the early and safe release of Mr. Rory Carroll and in expressing our solidarity with his family at this time.

Recently the Minister told my colleague, Deputy Burton, that the cost of CMOD in his Department is €7.5 million and that there are 96 people employed in it to supervise, amongst other things, e-Government initiatives and IT issues

across Departments. Would it not be reasonable in those circumstances, with 96 people——

An Ceann Comhairle: Do you have a question on the legislation?

Mr. Rabbitte: ——to expect that they might have——

An Ceann Comhairle: Deputy Rabbitte——

Mr. Rabbitte: ——put a stop to the PPARS debacle——

An Ceann Comhairle: ——about what legislation are you speaking?

Mr. Rabbitte: ——before it got to the stage——

An Ceann Comhairle: Deputy Rabbitte——

Mr. Rabbitte: ——of wasting taxpayers money as it do?

An Ceann Comhairle: ——it does not arise on the Order of Business. I suggest you submit a question to the Minister. I call Deputy Sargent.

Mr. Rabbitte: A Cheann Comhairle, I am submitting the question now. I am asking the Minister if it is not reasonable to think——

An Ceann Comhairle: Deputy, that is quite in order if you submit a question to the Minister for Finance.

Mr. Rabbitte: ——that such a unit might have intervened——

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

Mr. Rabbitte: ——before €160 million was clocked up.

An Ceann Comhairle: It does not arise on the Order of Business. The Chair has ruled on the matter and the Deputy knows it does not arise. I call Deputy Sargent.

Mr. Rabbitte: A Cheann Comhairle, for as long as I have been in the House leaders have had the opportunity on the Order of Business to raise an issue.

An Ceann Comhairle: No, Deputy. Leaders' questions was put in place.

Mr. Rabbitte: There are no leaders' questions today.

An Ceann Comhairle: Leaders' questions was put in place to facilitate——

Mr. Rabbitte: There are no leaders' questions today.

An Ceann Comhairle: ——leaders.

A Deputy: There is no Government either.

Mr. Rabbitte: There are no leader's questions today.

An Ceann Comhairle: There are leaders' questions on Tuesdays and Wednesdays——

Mr. Rabbitte: This is not Tuesday or Wednesday; this is Thursday.

An Ceann Comhairle: ——and if the Deputy is not happy with Standing Orders, I suggest he arranges to have them changed. I call Deputy Sargent.

Mr. Rabbitte: This is Thursday. I am asking——

Mr. F. McGrath: It is about the Thursday deal.

An Ceann Comhairle: It is a simple, reasonable question but, unfortunately, it is out of order on the Order of Business.

Mr. F. McGrath: Tell us about the Thursday agreement.

Mr. Sargent: Like the other party leaders and the Minister for Finance, I too wish to express solidarity with the family of Mr. Rory Carroll and take seriously the advice of the Minister for Foreign Affairs that the matter be dealt with in a way that the Department of Foreign Affairs can best determine for the security of Mr. Carroll. We respect that advice and hope the release will be swift.

On promised legislation, given the serious outcome of research revealed at yesterday's seminar organised by the Irish Insurance Federation where buildings along the River Liffey, for example, are seen to be in great peril due to climate change——

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

Mr. Sargent: I do.

An Ceann Comhairle: The Deputy cannot debate the legislation.

Mr. Sargent: No, the Minister would be concerned, particularly as the Central Bank is on the banks of the River Liffey.

An Ceann Comhairle: The Deputy should come to the legislation or I will call Deputy Bruton.

Mr. Sargent: I want to ask the Minister whether the coastal zone management legislation will see the light of day again or whether there is legislation from the Government that will seriously tackle the challenges of climate change. The energy Bill, which sounds like it might be the closest, does not refer to climate change in any documentation I have seen.

An Ceann Comhairle: On the legislation.

Mr. Cowen: I understand that Bill was taken off the list. If a question is tabled, the Minister will explain the policy decision for it.

Mr. Sargent: I would like to see the Bill back on it.

Mr. Bruton: Today I have seen reports that under the Mental Health Commission — this dates back to the time the Minister for Finance was Minister for Health and Children — the appointment of members of the tribunals to look into the cases of people who are involuntarily detained still has not been made. Will the Minister bring forward the health Bill, No. 55 on the agenda, so the Dáil can debate this issue? It does not seem right that people who are involuntarily detained do not have their rights of recourse to a tribunal and——

An Ceann Comhairle: I call the Minister on the health Bill.

Mr. Bruton: ——the Government needs to show that the House believes this issue, which has been unresolved for some time, needs to be resolved.

An Ceann Comhairle: We cannot debate the content of what might be in the Bill.

Mr. Cowen: I understand the heads of that Bill are being prepared. If the Deputy wishes to raise the specific question on the Mental Health Commission perhaps an alternative way, rather than waiting for the Bill to be published, might be found so that the matter can be discussed.

Caoimhghín Ó Caoláin: Yesterday I received a reply to a parliamentary question from the Tánaiste and Minister for Health and Children confirming she had met with numerous people in the course of the past 12 months on her proposals to give away land at public hospitals to private hospital interests.

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

Caoimhghín Ó Caoláin: Yes. This proposition and policy pursuit will only deepen the two-tier health system which the Government is committed to erode.

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

Caoimhghín Ó Caoláin: Of course. Are there plans to introduce legislation to formalise this disgraceful pursuit?

An Ceann Comhairle: Is legislation promised?

Caoimhghín Ó Caoláin: My second question on the appointment of Mr. Declan Patrick Carey, consultant surgeon, to carry out an inquiry into the—

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

Caoimhghín Ó Caoláin: It does because the precedent is there. A Ceann Comhairle, with respect, if you will allow me to finish the sentence you will appreciate that it does.

An Ceann Comhairle: Deputy, it does not arise on the Order of Business. Does the Deputy want me to read Standing Order 26?

Caoimhghín Ó Caoláin: I want to ask will he refine the terms of reference that have been accorded to Mr. Carey to carry out his inquiry. Terms of reference of inquiries have been revised on the Order of Business previously.

An Ceann Comhairle: It does not arise on the Order of Business. I ask the Deputy to resume his seat. He is being disorderly.

Caoimhghín Ó Caoláin: It has happened, a Ceann Comhairle, with respect, and I hope the Minister has some review of the matter.

An Ceann Comhairle: The Chair has ruled on the matter. I call the Minister on the first question on legislation.

Mr. Cowen: On that matter, legislation is not required in that instance. The situation here is to increase the capacity in the health service to deal with more cases and ensure there is public patient access, and also take the private beds out of the public hospitals so there are more public beds in public hospitals. I, therefore, really do not know the point of the Deputy's question.

An Ceann Comhairle: I call Deputy Durkan.

Caoimhghín Ó Caoláin: We want public hospitals. That is where the investment should be.

An Ceann Comhairle: Deputy Durkan has been called.

Mr. Durkan: In view of the chaotic communications in respect of the poor broadband rating, with Ireland coming in just ahead of Papua New Guinea, and in respect of the postal services, which have almost broken down completely and where it takes three weeks for a letter to travel a short distance, would it be possible for the Minister to come in and give some indication of when he will introduce the Electronic Communications Bill? As I am on my feet, maybe I could ask also if the ministerial appearance Bill is about to be introduced so that the Minister for Justice, Equality and Law Reform could make an appearance in the House?

A Deputy: We are not missing anything.

An Ceann Comhairle: I call the Minister on the postal services Bill.

Mr. Cowen: The real Bill of which the Deputy spoke will be available next year.

Mr. Durkan: What about the ministerial Bill?

Mr. J. O'Keeffe: The ministerial disappearances Bill.

Mr. Cowen: The imaginary Bill remains within his own remit.

A Deputy: A virtual Bill.

Ms C. Murphy: When is the Coroners Bill likely to come before the House?

Regarding the acknowledgement by the Taoiseach yesterday that legislation is needed for housing estate management companies, is it intended to bring a Bill of that nature forward at an early date? In the absence of that, will the Government instruct local authorities on how they should proceed on this matter?

Mr. Cowen: The first Bill to which the Deputy referred is due next year. On the second matter, I understand this was raised in the House yesterday. The Law Reform Commission is currently finalising a draft report on the law on management of multi-unit developments. The Government will consider any recommendations the final report makes. Yesterday the Taoiseach indicated a need for legislation in this area and I agree with him on that.

Ms C. Murphy: I am not asking about multi-unit developments. In fact, the housing estate issue relates to developments of single houses which are not the subject of management companies.

An Ceann Comhairle: Is legislation promised?

Mr. Cowen: On the follow-up question, the facts are that any conditions attaching to planning permissions requiring the establishment of a management company do not remove the primary responsibility of developers to finish developments satisfactorily. Planning authorities have extensive powers under the Planning and Development Act 2000 to make developers finish estates in a satisfactory manner in accordance with planning permission and they all should be using them. Local authorities are now required to take estates in charge under the Planning Act. Moreover, they can be made start the procedure to take in charge the public services for residential development when requested to do so.

Management companies normally have a very different remit. They deal with the ongoing maintenance and management of the private elements of housing developments, such as looking after green areas, landscaping and maintaining community amenities etc. It is unacceptable if developers are trying to transfer the costs of finishing the services in estates to the purchasers, on top of the purchase price.

Ms C. Murphy: That is not what is happening.

Mr. Boyle: When does the Government intend to implement the remaining sections of the Children's Act and Youth Work Act, each of which have been unimplemented for several years?

Mr. Cowen: I will have to get back to the Deputy on that. It is a matter for the line Minister.

Mr. Stagg: I want the Chair's assistance in trying to discover a method I can use, in the parliamentary sense, to establish the facts on home help cuts and the funding for them. There are two contradictory answers on the record and I cannot find a way of asking a question to establish the reality.

With regard to questions on health issues, we can no longer get an answer to our questions in the House because the answers are sent out privately by the HSE and are no longer in the public domain. This is a serious dilution of our democratic right to ask questions in the House publicly and get answers to them.

Deputies: Hear, hear.

Mr. Durkan: They are available to the media and the public.

An Ceann Comhairle: On the first issue, there are other ways the Deputy can raise it.

Mr. Stagg: Will the Chair advise me on those some time? I have been here a long time, but I cannot find them.

An Ceann Comhairle: The Adjournment.

Mr. Stagg: I have tried that. We know what happens on the Adjournment. The Government sends in Deputy Callely to answer everything.

Mr. Rabbitte: One could get an usher to come in and read the reply on the Adjournment. It would make a lot more sense.

Ms McManus: On the same issue, I ask that some means be found to put answers from the HSE on public record. We have seen a stripping away of accountability that has serious implications for the management of the health service.

An Ceann Comhairle: The Deputies have made their point.

Mr. Durkan: What can we do about it?

Ms Burton: In view of what the Minister has just said, will he agree there is a need for legislation to deal with management companies? His comments were not accurate. County councils in the Dublin area do not take estates in charge unless developers request it. Developers normally do not request it for up to a decade. As a result, people are left languishing while being charged between €600 to €1,600 per annum, a charge to which they must sign up when they buy their affordable house. The purchasers of affordable housing are being ripped off by a fatal combination of Fianna Fáil developers and builders in league with the people on the benches opposite who will do nothing about it.

Deputies: Hear, hear.

Ms Burton: I have volumes of correspondence from several Ministers who have served in the Department the Environment, Heritage and Local Government who have handled this issue. Young couples, purchasers of affordable housing, are being fleeced by Fianna Fáil builders and developers.

An Ceann Comhairle: The Deputy is out of order. In view of the Minister's contribution, the Chair did not have much choice but to allow the Deputy make her point. Now that she has made her point, let us come back to the Order of Business. I call Deputy Ring.

Ms Burton: I want to challenge the Minister's statement, which is highly inaccurate and misleading. I wish he would make a further statement to amplify —

An Ceann Comhairle: The Deputy should resume her seat. We cannot debate the issue now. I call Deputy Ring.

Ms Burton: The Minister made a specific statement which was incorrect. I have, I believe, the liberty to challenge an incorrect statement.

An Ceann Comhairle: There are other ways for the Deputy to raise the matter in the House.

Ms Burton: No, there are not. I cannot do that.

An Ceann Comhairle: The Deputy can.

Ms Burton: I have volumes of correspondence from the people sitting on the Government benches. They write letters, but they do not do anything about it. They have thousands of people to write letters for them, but they do not take any action—

An Ceann Comhairle: The Chair has ruled on the matter. I ask the Deputy to resume her seat.

Ms Burton: —just as the Minister has 96 people running an IT outfit in the Department of Finance at a cost of €7.5 million who have no oversight of the computers. This is our problem. We are paying but we are not getting a service.

An Ceann Comhairle: The Deputy should resume her seat or she must leave the House. I call Deputy Ring.

Mr. Rabbitte: A legitimate question was asked. Is the Minister contemplating legislation in this area?

An Ceann Comhairle: Deputies may only ask about promised legislation, not whether it is contemplated. Otherwise we would be here all day. Every Member on both sides of the House would want to know.

Mr. Rabbitte: Does something contemplated 24 hours ago not qualify?

A Deputy: Normally even Fianna Fáil does not forget its promises that quickly.

An Ceann Comhairle: Questions may relate to the taking of business which has been promised, including promised legislation, either within or outside the Dáil.

A Deputy: Any promises never amounted to much.

Mr. Rabbitte: Does a statement by the Taoiseach in the House not amount to promised legislation? Is that the Chair's ruling?

An Ceann Comhairle: On the Order of Business Deputies may not ask whether the Government is contemplating legislation. Otherwise, every Member in the House would wish to ask a question. The Standing Order is quite specific. Deputies may ask about promised legislation, whether promised inside or outside the House. I call Deputy Ring.

Mr. English: Is he contemplating making a promise of legislation?

Mr. Stagg: On a point of order, yesterday the Taoiseach promised legislation in this area. Therefore, it is quite legitimate under Standing Orders to ask when that legislation is contemplated.

Mr. D. Ahern: The Jonathan Woodgate of Labour.

An Ceann Comhairle: Is legislation promised?

Mr. Cowen: I explained in my previous reply that the Law Reform Commission is finalising a draft report on the law on the management of multi-unit developments. We will consider any recommendations the commission makes in its final report.

Mr. Stagg: We can ask about that any time we like because it is promised.

Mr. D. Ahern: Another own goal.

Mr. Broughan: Deputy Noel Ahern, the Minister of State with responsibility for housing is in the House. He might like to say a few words on the matter.

An Ceann Comhairle: I can well understand why Deputy Broughan thinks this is an omnibus question time on the Order of Business. I call Deputy Ring.

Mr. Rabbitte: That nice man has not answered a question since he became a Minister of State.

Mr. Ring: I am having difficulty getting in this morning, but I am glad to be allowed speak at last.

Caoimhghín Ó Caoláin: The Deputy knows we would like him to get in the next time.

Mr. Ring: I thank Deputy Ó Caoláin for that. On the criminal injuries compensation tribunal, people have been made awards this year but no funding has been put in place since May. Does the Minister for Finance intend to bring a Supplementary Estimate to the Dáil to provide the money to the people entitled to it? The Minister for Finance is responsible. The information pro-

vided in reply to a question asked last week is that we are waiting on funding from the Department of Finance to pay these people.

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

Mr. Cowen: A Supplementary Estimate is a matter for the Minister for Justice, Equality and Law Reform in that regard.

Mr. Ring: The people are waiting for payment from the Department of Finance.

Mr. Allen: I ask again for about the tenth time about a question I submitted on 29 August for reply on 29 September about accommodation and asylum seekers. The Minister for Justice, Equality and Reform has refused to answer the question. The Chair told me to raise the matter on the Adjournment. I applied for that on the Adjournment, but did not receive Adjournment time. What recourse have I now?

An Ceann Comhairle: I suggest the Deputy should resubmit it for the Adjournment.

Mr. Allen: The Minister should at least come into the House. I do not think he has been in here for the past two weeks for the Order of Business.

11 o'clock He will not answer questions but he is like Hopalong Cassidy around the country making promises left, right and centre. However, he will not do his fundamental—

An Ceann Comhairle: The Order of Business is not the time to raise this. The Chair has pointed out to the Deputy how he can raise the matter. I call Deputy Broughan.

Mr. Allen: The Minister will not answer questions regarding expenditure. What rights have I to get answers to my questions?

An Ceann Comhairle: The Deputy is in the House long enough to know how to deal with it. I call Deputy Broughan.

Mr. Allen: On a point of order, on the second last occasion I raised this matter, the Chair told me to apply for the Adjournment.

An Ceann Comhairle: The Deputy should apply again. He should do as some of his colleagues have done and submit it more than once.

Mr. Broughan: I have two brief questions for the Minister. The Minister's predecessor, who is now happy in Brussels, brought in a code of practice for the governance of semi-State bodies in 2001. In view of recent events, does the Minister for Finance have any plans to make changes to

that code of practice or to bring in legislation on it?

The statutory instrument on the guidelines for the National Salmon Commission, which is just finalised —

An Ceann Comhairle: What legislation is the Deputy asking about?

Mr. Broughan: I asked first about a code of practice and second, I ask about a statutory instrument or guidelines for the National Salmon Commission. Does the statutory instrument commit the Minister to expenditure in the forthcoming budget?

Mr. Cowen: The answer to the first question is "no". With regard to the second point, these are matters to be dealt with on an ongoing basis. I can look at the code of practice and the question of a review of governance mechanisms and semi-State bodies. I will come back to the Deputy on it.

Electoral Registration Commissioner Bill 2005: First Stage.

Mr. Gilmore: I move:

That leave be granted to introduce a Bill entitled an Act to establish the office of electoral registration commissioner, to define the functions and set out the duties of that office in relation to the supervision of the performance by registration authorities of their duties in the preparation and publication of electoral registers, to provide for access by registration authorities to information relating to persons resident within their registration areas, to make provision for the use of personal public service numbers in connection with the registration of electors and with establishing the identity of persons applying for ballot papers at elections, and to provide for related matters.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Social Welfare Consolidation Bill 2005: Second Stage (Resumed).

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

Mr. Ring: I would like to share time with Deputy Paul McGrath.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Ring: How much time have I left?

An Ceann Comhairle: The Deputy has 16 minutes in total.

Mr. Brennan: We have 18 months left.

Mr. P. McGrath: Is that a promise?

Mr. Ring: When I last spoke on this Bill two weeks ago, I referred to the back to education and foster care grants. I hope the Minister, Deputy Brennan, will respond to my comments, particularly in respect of the foster care grant, when he brings this debate to an end. I referred on that occasion to the case of four children in my constituency whose parents died of cancer within two years of each other. The children applied for the back to school clothing and footwear grant, but they were told they did not qualify. I reiterate my appeal to the Minister to examine the decision made in that case. It does not make sense that four children who do not have a mother or father are exempt from the back to school clothing and footwear scheme because they are in foster care. I ask the Minister to look into the matter. I also referred two weeks ago to the problems being encountered by two young mothers who are trying to return to the educational system, but have been told they are not entitled to rent allowance. I have written to the Minister about the cases. If we are serious about the back to education scheme and helping people to escape from the poverty trap, we should assist them in every way, with the eventual aim of helping them to leave the social welfare system.

I would like to ask the Minister about the free schemes. The previous Minister sanctioned many reports about the free travel pass, for example. We are living in a supposedly more modern society, but people in rural Ireland cannot avail of many of the advances which have been made in the public transport network, such as the Luas. Many people who are given free travel passes are unable to use them. The Minister agreed he would investigate the possibility, as suggested in a report, of introducing a scheme whereby pensioners could collect travel vouchers on the same day they collect their pensions. People who decide to participate in the voucher scheme would not be eligible for the free travel pass, which cannot be used in parts of rural Ireland where there is no public transport. The Department should be able to issue a travel voucher to be used to pay for a taxi, which is the only transport service in most parts of rural Ireland. I am also concerned about the free telephone scheme.

I remember when the newspapers reported the announcement made by programme managers, public relations personnel and departmental officials that the scheme would be extended to cover mobile telephones. Although the media ran with the story at the time, there is no sign of the promised extension of the scheme. I would like the Minister to explain what has happened to the proposal. It seems some misinformation was spread at the time — I will not use the word “lies” because the Ceann Comhairle would rule me out of order.

Mr. Brennan: It was just a wrong number.

Mr. Ring: I would never use the word “lies”, which is a terrible word. I would like to know how the Department got it so wrong and how the media was taken in by it. I have all the newspaper cuttings from the time in my office and at home.

Mr. Brennan: The wires were crossed.

Mr. Ring: People rang me to ask where they could get the application forms to try to get mobile telephones under the free schemes. They were waiting to find out when it could be done. The Minister, Deputy Brennan, has been responsible for social welfare for almost 15 months—

Mr. P. McGrath: He has been there for a long time.

Mr. Ring: —but we have not heard anything more about it. Some people have moved on since then. The person who spun that story was good. He must have done a great deal of work on a mobile telephone.

Mr. P. McGrath: He is staying. He is not going to Brussels.

Mr. Stanton: He ran out of credit.

Mr. Ring: That is right. I ask the Minister to re-examine the matter.

Deputies make representations about the fuel scheme, which does not cost a fortune, at this time every year. The duration of the scheme was extended by a month in the last budget, so that it now runs from October to April. It should be extended further, however, so that people are given fuel vouchers for the entire year, especially as the cost of fuel has increased significantly in recent months. The Department continues to give the recipients of fuel allowance a few measly euro for a limited number of months each year, even though the cost of coal and gas has trebled. This is Ireland, not Spain — we do not get the kind of weather that means we do not have to light a fire every day of the year. The two things elderly people are most concerned about are safety and ensuring that their houses are heated. I ask the

Minister to extend the scheme in this year's budget for once and for all so it is made available all year round. He needs to amend the fuel scheme to compensate and assist people, particularly pensioners, who have been badly affected by inflation, stealth taxes and the increases in fuel charges. It is wrong that some elderly people are unable to warm their houses because they cannot afford the increased price of coal and gas. Something needs to be done about this problem.

I am sure the Minister attends regular meetings in his Department about the unemployment benefit scheme, to which people who have paid their dues are entitled. People make PRSI and pension contributions so they can avail of unemployment benefit for 15 months if they lose their jobs. Having encountered many cases in my constituency of people who have been denied unemployment benefit, I wonder whether a new directive has been issued by the Minister or the Department. I know of many people who have applied for the benefit but have been told they are not looking for work. I have written to the Minister to ask him to investigate the case of an individual I met last week. The man in question, who is a sub-postman, has been working regularly because he has taken every job opportunity he has been offered. When other postmen go on holidays or are missing due to illness, the man to whom I refer takes the work he is offered. He has been lobbying hard for a full-time job. I have sent the Minister details of the man's PRSI payments over the years. When the man in question goes to the labour exchange, he is told by an official that he is not actively looking for work, even if he submits letters from a number of local employers from whom he has sought work. It is wrong that the man is not given any money in such circumstances. I ask the Minister to investigate the case and other similar cases, which seem to have arisen on foot of a new departmental directive. It seems officials in unemployment exchanges have been told not to give people unemployment benefit, even though it is their money — they have paid that money into the system so they can access it when they are out of work. I do not refer to people who are looking for basic unemployment payments, but to people who are looking for unemployment benefit on the basis of their stamp money. I ask the Minister to investigate it.

I hope the media will support the final point I would like to make. I understand that appeals officers overturn between 42% and 44% of the decisions made by officials from the Department of Social and Family Affairs. I tell people every day to appeal decisions which are made against them to appeals officers. When people claim unemployment benefit, they are told by the lady or the man behind the desk they are not actively looking for work, even if they produce three or four letters. I ask the Minister to tell me what else such people can do, if they have already produced

the necessary evidence. If a person produced evidence in a court of law that he or she had been actively looking for work, the case against them would be thrown out immediately. Many people are angry, upset and annoyed because they are not treated favourably when they apply for unemployment benefit on the basis of the money they have paid into the system over many years. I ask the Minister to investigate this phenomenon.

Mr. P. McGrath: I thank my colleague, Deputy Ring, for sharing time. I am delighted to have an opportunity to speak on the Social Welfare Consolidation Bill 2005. I am glad the Minister, Deputy Brennan, and his senior officials from the Department of Social and Family Affairs are present for this debate. I am sure some of the officials who have heard me talking about various matters over the years could predict in advance the comments I am about to make. I will repeat those comments in the hope that, at some stage, what I say might be heard. In regard to the child dependant allowance, for the benefit of those who do not know, if one is in receipt of social welfare and has child dependants, one gets a rate of payment to help look after the children. Believe it or not, three different rates of payment apply depending on the status of the parent. If the parent is on unemployment benefit, the rate of payment for looking after a child is approximately €16 per week, but if the parent is on lone parent allowance, the rate of payment is approximately €19 per week and if the parent is on disability or invalidity allowance, the rate of payment is approximately €21 per week. How does the Minister justify having three rates of payment for looking after children? He is discriminating against children based on the status of the parent. That is unfair and should be put right.

The Minister will not put it right because the vast majority of parents in receipt of child dependant allowance receive it at the lower rate of €16. Therefore, any change would increase the cost because, as it would not be possible to reduce benefits, it would be necessary to bring all up to the top rate. This situation is grossly unjust and needs to be put right. The Minister should not respond with the standard reply that a higher rate could be seen as a disincentive to return to work, which is rubbish.

The second issue, touched on by Deputy Ring, concerns what are termed short-term payments and long-term payments. Within the social welfare code, a number of payments are classified as short-term, some of which are insurance or stamps based. One such payment is disability benefit. Although the Department of Social and Family Affairs classifies this as a short-term payment, it is possible to stay on disability benefit for the duration of one's life. A person can receive it once he or she has 260 stamps paid, which is a total of five year's payments. Therefore, it is pos-

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sible to receive disability benefit from, say, the age of 25 and for a further 40 years. Yet, lo and behold, the Department of Social and Family Affairs classifies this as a short-term payment.

Why am I ranting about this? It is because of the consequences for other benefits for those in receipt of short-term benefits. One benefit affected is fuel allowance but another has far more important consequences the Minister must consider. We all know the benefit of having young people go to college, namely, if they receive qualifications, they are likely to get employment and break out of the social welfare net. However, it is realised that it is difficult for a child to stay at college if his or her parents are on low income. Therefore, if a child of parents on social welfare goes to a higher education college, a top-up grant is available to help pay his or her way. The threshold for qualifying as a low income earner is close to €15,000. However, it is remarkable that a person on disability benefit who receives less than €15,000 — I know of a case where the person has a total income of €14,500 for the year — will not qualify for the top-up grant for his or her child at higher education because the Department classifies disability benefit as a short-term payment. That is wrong.

I am delighted the Minister, Deputy Brennan, is present because my experience of him has been that when he has seen genuine problems, he has put them right.

Mr. Ring: To be fair, we acknowledge that.

Mr. O'Connor: He is a great Minister.

Mr. Durkan: Those comments have put it up to him.

Mr. P. McGrath: When he has seen wrong, he put it right. I am sure the Minister will thoroughly consider this issue.

Another issue that requires urgent examination is that of grant aid to community groups for pendant alarms, security chains and door locks for elderly people. I do not know if the Minister is fully aware that he has halved the amount of funding available for community groups to do this important work in the past two or three years. Pendant alarms, security chains, locks and the idea of security in the home are crucial for the elderly. It is a shame the funding available has been reduced during the Minister's watch. He should consider the matter carefully. It is a good scheme which works well and efficiently, and gives a great feeling of security to the elderly.

The Department of Finance answered a recent question of mine in regard to employers who have not paid their PRSI contributions. The amount outstanding is approximately €170 million. That is a great deal of money but, remark-

ably, the Minister for Finance who answered the question, referred to it as a small amount of money. This is like the position of the Minister for Communications, Marine and Natural Resources, Deputy Dempsey, who, when referring to the €150 million wasted on the health service, said it was not much money. The €170 million should be in the social insurance fund but it is not, yet it is said to be a small amount.

Mr. Ring: It would pay for the fuel scheme all year.

Mr. Durkan: They are looking through the telescope in reverse.

Mr. P. McGrath: Yet, if somebody goes to a social welfare office to seek a payment, he or she will not get it. A hospital looking for additional staff will not get it. However, when it refers to matters the Government is not coping with properly, such as the €150 million wasted in the health sector, the €50 million-odd wasted on electronic voting and the €170 million that has not been collected for PRSI, these are said to be small amounts that do not matter much. This is a terrible attitude for the Government to have and it needs to be changed.

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

Mr. P. McGrath: In case the members of staff who will write up the Official Report think I missed it today, I must raise the question of child benefit. There are two rates of payment for child benefit. If one is a first or second child, one gets a certain rate. However, if one is the lucky third, fourth, fifth or sixth child, one gets a higher rate of child benefit. How can it be justified that the third child in a family is worth more than the second child?

An Ceann Comhairle: The Deputy has made his point. I call Deputy O'Connor.

Mr. O'Connor: It is a shame we had to stop Deputy McGrath. I join him in praising the Minister, Deputy Brennan. I agree with the Deputy that the Minister is doing a wonderful job. He has revolutionised the Department of Social and Family Affairs since his appointment as Minister one year ago. The interesting point about this Minister is that he is listening, both to Fianna Fáil backbenchers and those happy people on the Opposition benches.

Mr. Durkan: This is excellent.

Mr. O'Connor: Having listened to Deputy Durkan earlier, I am glad the Opposition is so happy. Just 600 days from the general election, it is clear they know the country is in good shape.

Mr. Durkan: The Deputy is whistling past the graveyard.

Mr. O'Connor: The economy is performing extremely well. The times are good and I am glad the Opposition has no real issues to deal with.

Mr. Durkan: It is the feel-good factor.

Mr. O'Connor: With regard to the Bill, I often take from my life experience when dealing with Dáil business. I was interested in Deputy McGrath's point about children. I am the eldest of a family of five. As I have four sisters, I was never spoiled and was always happy in my family life in Crumlin. Since I moved to Tallaght in 1969 I have interested myself in many community and family issues. The Minister has taken a particular interest in the issues colleagues have raised in regard to lone parents, pensions, child poverty, child benefits, child care and carers since he took office over a year ago.

I am not normally parochial but I live in Tallaght and represent Dublin South West, which embraces the major population centre of Tallaght plus Brittas, Greenhills, Templeogue and Firhouse. I spend a lot of time in my constituency, although I received a call from somebody this morning at 8.30 a.m. asking me where I was and saying he had not seen me for a while.

Mr. Durkan: Deputy O'Connor is slipping up.

Mr. O'Connor: All politicians face that challenge. I spend as much time in my constituency as possible. I only come into Leinster House on Tuesday, Wednesday and Thursday when I must. However, I listen to what people say. Of course, there are concerns. The Tallaght Welfare Society of which I am a board member, which is based in Tallaght village and which was set up in 1969, presented a submission in respect of this year's budget to the Minister at a session on Monday. It was very impressed by his response.

In regard to what the previous speaker said, issues of security for the elderly were raised in *The Echo* this morning and I hope the Minister considers them.

The Minister will know the Taoiseach visited Tallaght a week ago and not for the first time. He is a regular visitor to Tallaght and we are happy with his support. He visited Jobstown in Tallaght west for the launch of the Childhood Development Initiative report, which has been mentioned in the House and which falls under the remit of a number of Ministers, including the Ministers for Education and Science, Justice, Equality and Law Reform, Health and Children and Social and Family Affairs. I am anxious the Minister and his officials consider that report. The Minister was kind enough to respond to a parliamentary question tabled by me on the subject. It is a radical

report with a number of important proposals for children in the Tallaght west area, including Fettercairn, Brookfield, Jobstown and Killinarden. I would be very grateful if the Minister could investigate that report because it is the type of project which would not only be good for my community in Tallaght but which would set the tone for other such schemes throughout the country. Great credit is due to the organisations which came together in respect of that childhood development report. It is something which could be duplicated throughout the country and I hope the Minister will seriously consider it in that respect.

I refer to some of the issues of which the Minister is taking particular care. I am a member of the Joint Oireachtas Committee on Social and Family Affairs and I am the secretary of the Fianna Fáil policy group on social and family affairs and, as a result, I have much contact with the Minister. I am not being patronising but this Minister has shown——

Mr. Durkan: We will blame Deputy O'Connor if things do not go right. I have a list here.

Mr. O'Connor: ——a genuine concern for those in need. I am glad the Minister of Finance confirmed during the week that the budget will prioritise health, education and social welfare. Fianna Fáil has a proud record in those areas dating back long before my time.

Mr. Durkan: What about housing?

Mr. O'Connor: It has looked after the disadvantaged. I am strongly committed to social inclusion and I am following in the footsteps of my colleague, former Deputy Chris Flood, who I succeeded in the Dáil three years ago. Chris Flood did a tremendous amount of work on social inclusion not only in Tallaght and Dublin South West but throughout the country. I am glad the Minister has been very understanding when dealing with social inclusion. I am glad to have Deputy Durkan's support in that regard.

The Joint Oireachtas Committee on Social and Family Affairs, under the chairmanship of Deputy Penrose, whose work I compliment, has considered many of the issues which would be raised in any debate on social and family affairs.

I have received correspondence recently from a number of constituents who are particularly interested in carers, their needs and concerns — this is an issue that will have crossed the Minister's desk on a number of occasions. Members will know the Carer's Association of Ireland is based near Tallaght in Clondalkin and I have always gone out of my way to support carers, as we all should. I have often made the point that I had experience in this area when my late father was unwell and ageing. My sister looked after him, raising issues and challenges in respect of

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carers. I have also had much contact with other families in a similar situation.

Many people want the Minister to re-examine, look at the issue of carers. In the context of this year's budget statement, I believe the Minister will consider all the issues of concern to all of us and the interests of carers will be looked after.

It is no secret that the political issue these days is child care. I have attended a number of hearings organised by the Joint Oireachtas Committee on Justice, Equality, Law Reform and Women's Rights and the Joint Oireachtas Committee on Health and Children. There is an issue about where child care should sit as far as the Government's responsibility is concerned. It spans the justice, health, education and social and family affairs areas. It is interesting to listen to the debate on this issue and I have already praised last week's "Prime Time" programme which organised an interesting debate between those who strongly believe assistance should be given to those who want to go out to work and those who want to stay at home. I wish the Minister for Finance and his colleagues well as they grapple with that issue.

Child care falls under the remit of the Minister for Social and Family Affairs in that it is important to remember disadvantaged families, including lone parent families, who do not have the means to access child care. The Minister is considering the whole question of benefits for lone parents. We must try to create a positive situation whereby we can help them out of the poverty trap and back to work. Each week young people tell me they want to go back to work and have an opportunity of employment but for one reason or another find it difficult to do so because straightaway their rent subsidy and other benefits are affected. Good child care must be provided to enable them to go back to work. We should make a commitment to helping those families caught in that trap and who genuinely want to progress.

I am always impressed by young people who are single parents and who genuinely want to provide for their child, do the best for their family and go back to work. We all know there are problems as far as benefits are concerned. While some efforts have been made, there should be a sliding scale so that we encourage people to return to work and create an environment to enable them to do so. It is not only an issue in Dublin South West but throughout the country. The Minister would have all party support when dealing with it, as he would when dealing with carers.

Deputy Durkan copped a headline this morning which is good but we are all entitled to make political points and, as I keep saying, there will be many of them over the next 600 days. Good things are being done and we should be brave enough to acknowledge that. The Minister under-

stands there are issues of concern to colleagues on both sides that we want him to tackle. I am glad he is listening and I am confident about what he will do in the immediate aftermath of the budget, as I was last year. He will have much support in that regard.

This week, the Minister stated that the blight of child poverty must be eliminated. He will receive much support in that regard. While I do not want to paint a negative picture about any estate in Tallaght, some are disadvantaged. In west Tallaght, there are estates where special attention must be paid to the issues concerning many families. Last week, I visited the junior school An Chroí Ró Naofa in Killinarden which is involved in the Early Start programme. While these matters relate to the Department of Education and Science, there is no question but that we should be helping those families who have particular difficulties and challenges.

The word "challenge" often comes up in my contribution because the whole question of the delivery of social and family provision is about dealing with challenges. People will always have different views and priorities on this. However, many children do not have the same opportunities as others in education. We must see how to deal with the poverty issues in this area. Every child must have an opportunity of having a normal life and of having a proper breakfast in the morning before going to school. The Early Start programme in Killinarden, and elsewhere, provides that environment. It is amazing when speaking to the children involved, victims of poverty, who are being helped. I pay tribute to the educationalists and others involved in these schemes.

It is important for the Minister to understand that in Ireland of the 21st century, where many of us have been fortunate enough to reap the benefits of living in a country that has witnessed great surges in economic growth in recent years, there are still problems in that regard. The Minister will receive much support if he deals with these issues. While he has been busy throughout the year, the Minister will have several challenging weeks ahead as he deals with the Estimates. I hope he will bring forward some of the radical proposals he has already signalled. I look forward to the Minister's announcements after the budget. I hope he will put flesh on some of the policies he has talked about in dealing with social welfare issues.

The Minister's proposals on pensions are of interest to everyone. We are looking at the experiences in Britain and elsewhere where there is much debate about future pensions. The Minister was right and brave to raise this issue. He is certainly far-sighted in looking down the road at a time when we will all have passed on and where future generations will have particular challenges with pension provision.

Mr. Durkan: Are we looking down the road now?

Mr. O'Connor: It would be very easy for the Minister to ignore the far future. I am glad that Deputy Durkan is in agreement.

Mr. Durkan: The Deputy should not go near the port tunnel when looking down the road. He will be looking down a small tunnel.

Mr. O'Connor: The Deputy is clearly happy with what the Minister for Social and Family Affairs has achieved. I am glad that has been said from the Opposition benches.

Mr. Durkan: It will be a tunnel with trucks stuck in it. We will have to grease the trucks to get them through it.

Mr. O'Connor: I am glad Deputy Durkan agrees with me that not only does Fianna Fáil care about the present but also the future. The Minister has shown particular interest in the area of pensions.

Much has been said about child benefit and people have differing views about what level it should be at. The child benefit scheme has served the country well over the years. I remember, when as a child living in Stephen Street, I used to go to the local post office in Aungier Street with my mother when she collected her child benefit. In those days, she saw it in a positive way. Under successive Fianna Fáil Governments it has increased greatly over the years. There will always be an issue at what level it should be at and whether everyone should benefit from it. The Minister has talked about looking at the question of child benefit for those families who are particularly disadvantaged. It is important to remember the ethos of social inclusion. The Taoiseach made the point that at a time when all boats are rising, we must not forget the little boats. There is an issue of varying levels of child benefit for those families in particular disadvantage. It is about creating an environment where disadvantaged people can be assisted in bettering themselves. We should not be keeping people in poverty traps but helping them out of them. The Department of Social and Family Affairs has a large remit and responsibility in this regard but has great potential to tackle the poverty issue.

I am always happy to promote and support the social welfare office in Tallaght. It is modern and one of the best in the country, as it should be in a major population centre. Over the years, there have been social welfare difficulties in Tallaght. Now it is a thriving economy and people are working. Next Sunday marks the 15th year of the opening of the Square which started all this.

I compliment and wish the Minister well on the work he is doing. I give my support to the Social Welfare (Consolidation) Bill.

Mr. Durkan: I hope the Minister for Social and Family Affairs is not embarrassed by all these tributes heaped upon his head. We know he is sensitive about these matters.

Mr. O'Connor: He is doing his job.

Mr. Durkan: I compliment Deputy O'Connor for being so optimistic and generating a feel good factor. However, one issue that immediately comes to mind is that the number of people depending on social welfare for housing rent has not gone down. These people are not as enthused about the situation. Other matters that come to mind do not necessarily relate to social welfare. Any given Friday, one can park for as long as one likes on the M50 for free. However, one has to pay a toll to get out of it. We will have to grease the Dublin Port tunnel to get the heavier vehicles through. Letting the air out of their tyres is not an option. There are other issues such as the ballot boxes that do not work with huge cost to the unfortunate taxpayer. The overruns on every single project come to mind. Crime is at an all-time high with shootings, killings and stabbings every day and night. The 2,000 gardaí that were supposed to come on stream never appeared. They are invisible like the Minister for Justice, Equality and Law Reform. The postal service is in disarray. To cap it all Ireland, a leading country in modern cutting edge technology, is now being passed by every other developing country. According to an OECD report we are 19th out of 22 in the development of broadband technology. At this rate we will soon be last. We are working on it. I compliment all on the other side of the House for generating optimism in the face of all the problems. To be optimistic in that context is like a man whistling in the dark to allay his fears.

Whether we like it or not international experts have deemed us one of the wealthiest countries in the world. One of the things expected of a wealthy country is that in an exemplary way it should look after those who depend on social services. We should set an example not only to European countries but to all countries. I am not sure we are doing that.

A small proportion of carers receive payment at present. We should recognise that carers take the place of nurses, doctors or hospital attendants. Because of today's employment climate where everybody wants to work or is forced to because they have a mortgage, carers now fulfil an unprecedented role by taking the place of an institution such as a hospital and the doctors, nurses and medical attendants who work in it. They save a considerable and quantifiable

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amount of money for the State. Given the problems we have with bed spaces in our hospitals and nursing homes, it is long past the time for the Minister to look at the issue with a view to increasing the number of people who will qualify for carer's allowance. Carers care not just for elderly people but for children and people with special needs. The greater the degree of care required the greater the saving to the State by these carers being in position. There has been insufficient investigation of the full extent of the alleviation of costs to the Exchequer due to carers.

I have dealt with rent support on many occasions. We heard the argument last year and the year before that the Department of Environment, Heritage and Local Government is responsible for housing, while the Department of Social and Family Affairs is responsible for welfare payments. We started to describe public authority housing as social housing and that is a grand name to give it. The way it works is that there are now considerable numbers of people who are trapped in so-called social housing, namely rent supported housing. They cannot leave the rent supported housing, because if they do and they go to work they will be saddled with a very high rent that their salaries will be insufficient to meet. As a result they remain in a poverty trap indefinitely, in rented accommodation, in some cases paying €1,300 to €1,400 per month, depending on the size of the family.

In recent times an arbitrary attitude has emerged among people who assess rent support entitlements. I have dealt with several cases and I do not wish to personalise them at this stage, but I warn that I will if I must. I do not accept that somebody should suffer hardship because of the attitude of a person in a position of control and authority. I will not accept abuse of authority and I stand four square behind the people who have become victims of it. Following some of these arbitrary decisions the response has been that applicants can appeal. Appeal to whom? The same people who made the decision in the first place? I am aware that rent support is administered by the Department of Health and Children on behalf of the Department of Social and Family Affairs but it would stand the Minister in good stead if he examined what these people are doing. It is particularly noticeable in the case of a person who applies for rent support for the first time. It almost seems that somebody makes an arbitrary decision that the applicant is late and will have to go on a very long list. I will give the Minister details of that type of thing any time he wishes.

There is a poverty trap there. People who wish to work cannot get a local authority house because the Department of Environment, Heritage and Local Government is not providing them and will not for the foreseeable future. They

are stuck whether they like it or not. Without exception, single mothers want to work to improve their circumstances and their education. I will give an example which is not an isolated case. In recent weeks a woman with a baby wanted to go back to college. She ought to qualify for rent support while she is at college as she would if she stayed at home and depended on social welfare for the rest of her life. However, she wants to better herself, get a degree and improve her contribution to society. What is she told? She is told she cannot get rent support. This is incorrect, as I know from past experience, but to get the message through the bureaucracy in the Department of Health and Children and the Health Service Executive who carry out the function on behalf of the Department of Social Family Affairs is a virtual impossibility. Experts emerge every few minutes who seem to know more than the people who have been involved for years.

I urge the Minister to look at what is happening. A person has the option to improve by getting an education to become self-sufficient or to do nothing. They should not be penalised for wanting to improve. It does not cost the Exchequer any more. It costs the Exchequer exactly the same in both cases. What is the difference between having a young mother on one parent family payment and rent support and a young mother on back to education allowance and rent support? Which is the better of the two from the point of view of the State? There is no doubt as to the answer.

Certain Departments are responsible for the collection of PAYE and PRSI contributions. That has always been the case. A number of cases have recently come to my attention where people who had applied for benefits were refused because their contributions had not been paid. They were told they should contact their employer. They do not have to contact their employer. They only have to contact the Department of Social and Family Affairs because they are entitled to their payments whether or not their employer has paid. It is for the Department to pursue those contributions. Recently that has happened a number of times but it should not happen. It is an established fact for as long as I can remember that if somebody is in contribution-related employment and becomes ill he or she is entitled to benefits. The fact that contributions have not been paid is another issue for another agent. I would be grateful if the Minister examined the issue, which has been referred to by Deputy Paul McGrath already. It is more serious than we have been led to believe.

Daft decisions come around every so often, and although I will not go into too much detail, the Minister and his officials will probably know some of the issues I am thinking of. Occasionally a decision is made that is based on stupidity with nothing to back it up. I am thinking of the

equality decision made some years ago that would have cost €9 million at most if paid in the first instance. It cost €300 million by the time it was finished because somebody failed to make the correct decision at the right time. The case went through the courts here and the European courts, costing much money. If a decision does not appear to stand up, it should be examined.

All Ministers have taken the attitude in recent times that they do not have a function in a particular matter. That is a dangerous phrase, the Minister is in some way responsible for any legislation that is approved in this House as long as his party is in power. The Minister should ignore people telling him that he has no function in a matter as he knows differently. Although the Minister might not be able to intervene directly he has to be able to stand over decisions that are made. He should be able to say to anyone making a decision that it must be accordance with the law and policy. My advice to the Minister is to keep an eye on such matters.

Child care and child benefit are related issues. Every once in a while I get a chill in my spine when I hear statements about child benefit being biased in one direction or another. Mothers of any age anywhere in the country, regardless of economic or social background or income, feel that the small recognition given by child benefit is welcome. A time comes around every so often, around the time of the budget, when wise guys — and they are usually guys — get together and argue that the burden of child benefit should be shifted. The Minister should not entertain such an idea. It would be a sad day if he did, but there would be many sad days afterwards also.

I agree with women who state that as they all gave birth to children in the same fashion, they should be entitled to some small recognition as a result. This is not merely monetary compensation but a well-meaning gesture from the State. Child benefit should remain and should be escalated considerably to ensure that provision is made for child care also. I am not affected by child care anymore but we all have to go through that phase, and the newer generation in the House will experience it. When their children are small, people will have their own opinion on how best to apply child care policy. This is now a big issue and is getting bigger, as everybody in the household must work or people will starve or be unable to pay their large mortgage. In some cases, child care costs are as high as the mortgage and this area needs to be examined and regulated. The increasing of child benefit is as fair a means as possible of doing this, in conjunction with the availability of pre-school child care and crèche facilities.

Child care facilities should be in residential areas rather than three or four miles away. They should be at the centre of a residential area, so that when an estate of houses is opened a child

care facility is available for every 30 or 40 houses. All the families would be the same age at the same time. However, if planning permission is sought for such a venture it is refused automatically. This type of situation is a paradox. Provision should be made in the design of estates to give the chance to incorporate a single child care unit in the development as long as it does not stand out from the rest of the plan. It could be placed in the estate with a design similar to an ordinary dwelling house, for example. Action needs to be taken on this issue at an early date.

Non-nationals are in many cases being quite harshly treated by the Department of Social and Family Affairs.

Mr. S. Ryan: Hear, hear.

Mr. Durkan: This is due to directions from the Department of Justice, Equality and Law Reform and a lack of co-ordination. Some extraordinary cases exist. There are children with Irish accents who have been educated here——

Mr. S. Ryan: When will they start playing with the Irish soccer team?

Mr. Durkan: We need them now. These children are to be deported, or their parents are to be deported or they are all to be deported. This is daft as the children have been educated here. It is only when one speaks with these people that one realises how daft and paradoxical their cases are. The residential clause introduced by the Minister stipulates that if one of these people has been out of the country in the past 12 months for any period, they do not qualify for social welfare or residency status. This is stupid as these people may have had compelling reasons in some cases to leave. If such harsh legislation was needed to facilitate the Department of Justice, Equality and Law Reform, there should have been some mitigating factor stipulating that if one was out of the country for compassionate reasons or for a similar cause, some flexibility would be afforded. The residential clause is causing unnecessary hardship and trauma.

If all races on the Earth were brought together, there would be no race with a greater knowledge of immigration than the Irish, who have gone all over the world. Some may say that the Irish went to work, which we did, but the people who come to Ireland do so to work also. We should not punish those who fall by the wayside. Some of the rules and regulations currently being applied by the Department of Social and Family Affairs, if challenged by European courts, could be overturned. These rules are extraordinary, and the Minister knows this.

I am not filled with the euphoria that was generated from the benches on the Government side, despite the best efforts of the Minister. The slo-

[Mr. Durkan.]

gan in the last election was “A lot done, more to do” but there is little done and much more to do.

Mr. S. Ryan: I am pleased to have the opportunity to make a contribution on the Social Welfare Consolidation Bill 2005. I did not expect to be entering the debate so soon on such an important Bill. It is an affront and totally unacceptable that Fianna Fáil and Government backbenchers are not present in the Chamber, with the exception of Deputy Charlie O'Connor, who made a contribution. Is he speaking for all the backbenchers? It is a further indication of the lack of interest in needy people that those backbenchers have not got the guts to come in to this House and speak on the Bill.

Mr. Durkan: Hear, hear.

Mr. S. Ryan: As one who contributed to the debate on the Social Welfare (Consolidation) Act 1993, I am well aware of the amount of work involved to get the current Bill to its present stage. I compliment all concerned in getting to this stage. The social welfare system has been ineffective in tackling high levels of poverty and inequality. In saying that, I acknowledge that some progress has been made in recent years. One of the main mechanisms for tackling poverty is the tax and welfare system, which has been the core of various budget policies over the years. I was recently informed by the Combat Poverty Agency that almost one quarter of the population, or nearly 900,000 people, still live in income poverty, which is a European measure. Income poverty is an income of less than €192 per week in 2005 values. Furthermore, 9% or 375,000 are living in constant poverty.

The Minister refers to relative poverty when it suits him. In my contribution to the Combat Poverty Agency submission on this year's budget to the Joint Committee on Social and Family Affairs, I stated that ordinary taxpayers tend to get confused when economists and people within the poverty areas give different statistics which basically turn people off. We need a uniform system of valuation and then attack the cause of poverty. This is our task as legislators. We must try to make everyone aware of the harsh realities of life for so many people. The Combat Poverty Agency made a very important contribution to this issue on the best way of addressing poverty within the welfare tax system. It is worthwhile putting on record the tax welfare allocations in the budgets of 2003 and 2005. In 2003, the total allocation was €716 million, with €530 million of that, or 74%, going on the social welfare allocation while income tax was €186 million, or 26%. In 2005, the total allocation was €1,570 million, with €874 million, or 56% of the total, going on social welfare and €694 million, or 44%, on

income tax. Between the two budgets, the total allocation went up by 119%, social welfare went up by 65% and the income tax element went up 273%. There is an element to these figures on how to deal with poverty on the basis of tax and welfare. On the basis of this, the Minister should give serious consideration to the distributive impact of the Combat Poverty Agency budget proposals for 2006 compared with the conventional 50:50 tax welfare budgets which have been the norm in recent years.

Our social welfare system is over reliant on the complex means testing which is burdensome and lacks transparency. We should rationalise and simplify means testing so that it is easier to administer and understand. We should reduce our reliance on means testing by extending coverage of the social insurance system. In this country, a job is unfortunately not a guaranteed route out of poverty. There is evidence of a growing pattern of working poverty with up to 157,000 people affected. We must enforce an adequate minimum wage and if necessary supplement the income of families in low paid employment through refundable tax credits. In addition the situation can be addressed by improvements in the family income supplement and secondary benefits such as medical cards and housing benefits.

The high cost of private rented accommodation is often crippling and the rent supplement system creates unacceptable unemployment traps. I appeal once again to the Minister to amend section 12 of the Social Welfare Act 2003 in respect of rent and mortgage supplements. That section amends section 179 of the Social Welfare (Consolidation) Act 1993 to extend explicitly this exclusion in respect of rent or mortgage interest supplement to the spouse of a person in remunerative work. The objective of the section is to restore the position that previously obtained; that rent or mortgage interest supplement would not ordinarily be paid to a household with full-time employment. Since Fianna Fáil and the Progressive Democrats came to power, there has been a shortage of local authority housing on an annual basis. There are between 45,000 and 50,000 people on housing lists and they will be waiting for years. A house is an important element in the lives of married or cohabiting couples with children. If we try to get people to move from welfare to work, we must look at housing. People in my constituency, who are waiting years for a house from the local authority, can avail of the rent supplement. The average cost of rent in north Dublin ranges from €1,000 to €1,200 per month. The recipient of rent supplement can receive up to €275 per week. An unemployed person with a child can get €264.30 per week.

To take another example, what happens when people avail of a job opportunity? All Members accept that the way to deal with poverty is to encourage the unemployed to enter work or edu-

cation. Currently, people might already have a family and a home before being offered the possibility of taking a job. On numerous occasions on the radio and elsewhere, the Minister has asked why so many Irish people are unemployed when people can come in from overseas and secure work. As many jobs currently pay the minimum rate, people earning €9 per hour will receive €351 per week. A family income supplement payment of €50, which is not the lowest possible rate, would bring them to €400 per week. Under this order from the Minister, such people cannot be provided with any rent supplement and consequently are required to pay €275 per week for a house. Who can live on €125 per week? The net effect is that people will tend to avoid stating that they live together, which has an adverse effect on their family unit and children. This must be considered.

Apart from getting a job, other people try to improve themselves through education. Currently the community employment scheme helps to provide that element of education. However, after a short period, a person who participates in a community employment scheme is no longer entitled to the full supplementary welfare allowance. While I do not expect such a person to be entitled to the full amount, I want to read an example into the record which reflects the experience of many people in community employment schemes:

I am on the council housing list. In the interim period while I await an offer of housing, I rent private accommodation for which the health board contributes €277 monthly. My rent is €1,000 monthly. I am a single parent with two children working part-time on a CE scheme since December 2004. Prior to this, the health board were contributing €736 monthly to my rent.

By furthering myself and finding work, I now find myself with a reduction in rent allowance of €459 monthly. My financial situation is extremely difficult and is causing me undue stress and worry which I am sure you will agree is not very conducive to raising my children, staying in employment and maintaining a household.

I spent two years prior to employment on a VTOS scheme training in computers, health and safety, communications etc. I now intend to commence a JEB diploma in ICT under my CE scheme. This I hope will enable me to gain good employment and hopefully, as my children get older, back to full-time work. I feel a certain discrimination having to struggle in this way as my situation is short term. In the past four months, since my rent allowance has been reduced, I have incurred debts of €2,000 due to the reduction.

The person in question has taken out credit union loans to keep going. People want to get back on their feet and out of poverty by participating in community employment schemes, educating themselves and preparing for employment. Something is wrong when under this directive, those people who are not accommodated in local authority housing will not receive any money.

What is the alternative? We will return to the vicious circle whereby people take stock of their position and question the potential benefit to themselves and their children of making the effort, because by so doing, they encounter a brick wall. They would be better off sitting at home in receipt of unemployment benefit without making any effort. That is the position and it was necessary to outline these examples of situations which are widespread. Possibly the Minister and his officials are not aware of this harsh reality and I ask him to do something about it.

Our social welfare system embodies outdated notions about "a woman's place" and is out of step with the reality of modern life. We can promote gender equality by abolishing the limitation rule and recognising the validity of choosing part-time employment which will enable women to access individual social welfare payments. The level of payment of maternity benefit and paid parental leave must be adequately addressed and the Labour Party is committed to this objective. Our policy document, Putting Children First, will be launched later today and will deal with parental leave.

The Minister has made various contributions and statements in respect of one parent families and how he proposes to tackle this issue. While there has been much talk and many media headlines, I am disappointed that we still await his detailed proposals. The one parent family payment traps lone parents in unemployment or underemployment and creates a barrier to the formation of stable relationships. We must reform the social welfare system so that all qualifying adults receive an individual payment by exempting those with parental obligations from seeking employment, should they so choose.

In a statement issued recently by the Minister, he mentioned the issue of child poverty and his plans in this regard. I look forward to hearing his detailed proposals. Some 23% of our children live in income poverty while 15% live in constant poverty, that is, are deprived of basic necessities. The possibility of merging the child dependent allowance and family income supplement into a new child benefit supplement to enable better targeting and support of families in employment should be examined.

People with disabilities and their carers are not given the support they deserve. I support the concept which has been put forward by various groups dealing with poverty of the provision, on a universal needs basis, of a cost of disability pay-

[Mr. S. Ryan.]

ment to cover equipment, mobility, communication and additional hidden costs. As a member of the Joint Committee on Social and Family Affairs I was delighted when, under the chairmanship of my colleague, Deputy Penrose, it produced a document on carers. Given the contribution carers have made on a voluntary basis to the quality of life of hundreds of thousands of people being cared for through the years, it is unacceptable that only 15% of carers qualify for carer's allowance.

Representations have been made by many people to all Members regarding the living alone allowance, which must be addressed. I cannot see a reference in the Bill to deserted wives' benefit. There are 300 or 400 people still in receipt of this benefit. It is of no use to say it was incorporated in other legislation as there is no reference, good, bad or indifferent, in this Bill. Will the Minister check this matter for me? If there is a reference he can correct me but the Bill should be amended to incorporate this category. I look forward to further debate on Report Stage.

Mr. Healy: I welcome the opportunity to say a few words in this debate. In September 2005, the Economic and Social Research Institute published a document called *Trends in Welfare for Vulnerable Groups, Ireland 1994-2001*, which examined how such vulnerable groups as children, the elderly and unemployed have fared in our society. In the words of Mr. Christopher Whelan of the ESRI, "Ireland remains a profoundly unequal society". He goes on to state, "A question of justice arises if this persists" and:

If the income gap is big enough across time, there can be potential future problems... People should be able to participate in society at some minimum level without a sense of shame.

What we have created in this country is a profoundly unequal society and it is time we address this to ensure we reverse these trends and commence putting in place a just and fair society.

Since 1998, the rich-poor gap has increased significantly in Ireland to a figure of over €300 per week or over €15,000 per annum. This is not a situation that should continue. The gap has increased at every budget over the past seven or eight budgets. As Mr. Whelan of the ESRI said, everyone should be able to participate in society without a sense of shame and, if this does not happen, there will be profound problems of anti-social behaviour, criminality and social exclusion, with all the difficulties they give rise to down the road. We have all heard that a rising tide lifts all boats, which it does, but if one does not have a boat, one is overpowered by the tide. Unfortunately, a significant number of people in our society have no boats and, as the tide rises, their

exclusion from society becomes more deeply entrenched. We have many problems and, unless this trend is reversed, we will have even more serious problems.

It can be different. We have the resources to ensure this is so. We must prioritise people and human services, such as health, education, housing, social welfare and Garda resources, instead of roads, bridges and broadband capacity. Today's priorities are building roads, bridges and broadband capacity and not, unfortunately, human services. This is a social and economic insanity and a very foolish policy. I submitted a question to the Minister for Finance last week and he told me that, over the past eight years, there was a Government surplus on Revenue's accounts amounting to €39.3 billion, which I already knew. In 2004 alone, the surplus was €6.7 billion. The problem is that these surpluses, which were brought about by income over expenditure on a day to day basis, are being spent on roads, bridges and broadband and we are not investing them in human services.

Will the Minister speak with his Cabinet colleagues and suggest that the reasonable social and economic policy would be to build the roads, bridges and broadband capacity out of prudent capital borrowings, which we can do well within European Union guidelines? I am sure we will be told we nearly bankrupted the country by borrowing. Fianna Fáil nearly did this previously but that was borrowing for day to day expenditure. What I or any reasonable and commonsensical economist will tell the Government is that it should borrow for capital projects and we should use the large surpluses of recent years to invest in human services and ensure we start building a fair, just and reasonable society.

The most important infrastructure in a country is a healthy, well educated and well housed population. We need a population in which everyone can play a part and feel a part of society. Unfortunately, this is not the situation at present, which is reflected across a number of areas in the social welfare field. It is particularly evident in the area of child poverty. We have encountered figures from various agencies, including Barnardos, which inform us that nearly 15% of children, or 148,000, live in consistent poverty, a population comparable to the total population of north and south County Tipperary, and a total of 242,000 children live in relative poverty. This occurs at a time when the country is awash with money.

In the forthcoming budget, will the Minister target the whole area of child poverty, particularly increases in child benefit payments? As he knows, the Government reneged twice on promises it made concerning them. Together with many Deputies and agencies, I ask that child benefit rates be increased to €155.92 for the first two children and €192.85 for third and subsequent children in families, and that it be index-

linked. The child dependent allowance has not been increased since 1994, 11 years ago. No one seems to know the reason for that or does not want to tell us. The Minister should act on Deputy Seán Ryan's suggestion that the child dependant allowance should at least be doubled in the forthcoming budget.

I have indicated that if we want to use the large surpluses we have at our disposal to prioritise human services, they should be used to properly fund education. We should have reasonable back to school clothing and footwear allowances, of perhaps approximately €200 for a primary school child and €250 for a secondary school child. A once-off grant should be available for children entering first year in secondary school because of additional demands.

Many people are discussing child care and recommendations by various agencies that free child care should be provided in the year prior to attending primary school. I would prefer to see a publicly funded and operated child care facility provided. All children should have medical cards because illness can mean enormous costs. The resources and money are available and whether these services are put in place is a matter of political will.

The social welfare fuel allowance of €9 per week has not been increased since 2001. I bought a tonne of coal and ten bales of briquettes last week. The coal cost €12.70 per bag and a bale of briquettes cost €3.20. An old age pensioner cannot afford a bag of coal with an allowance of €9. As we all know, energy prices have increased enormously recently. Since 1 October the price of gas has increased by 25%, the price of electricity was increased three times during the past two years and the price of home heating oil increased by approximately 50% since this time last year. I hope the Minister will address this issue in the budget. It would not be expensive to do so.

The Minister should focus his attention on carers. I hope the campaigns of the Carers Association will bear fruit in the budget. Everyone knows the situation of carers, but perhaps I need to repeat it. Carers work approximately 6 million hours and approximately 25% of carers are paid. Some carers lose their social welfare payments as a result of being paid and end up caring for a husband, wife, father, mother or relative for approximately €5 per week. I welcome the respite care grant, which has been increased significantly. Carers do an important job on behalf of society. If those elderly and infirm people needed to be cared for in hospitals, nursing homes or long-stay institutions, it would cost the Exchequer enormous amounts of money. The Minister should take on board the case made by the Carers Association and ensure that every carer gets a carer's allowance, and that carers in receipt of social welfare payments are entitled to retain those payments.

I echo the sentiments expressed by Deputy Seán Ryan on the manner in which rent subsidy is dealt with in the case of lone parents who take up part-time employment or a community employment scheme. Numerous individuals fall into this category and they find that having taken up a work opportunity to improve their situations, the rent subsidy is either withdrawn completely or significantly reduced to the extent that working does not benefit them. Most find they cannot continue to work and will revert to the original situation. It is wrong that someone who is prepared to go out to work to better themselves, increase their income and support their families finds the system works against them and they might as well have stayed at home because they would have had the same income. The Minister must examine that.

I know the Minister is not directly responsible for housing aid for the elderly. However, it impinges on this debate. Excellent work is done on a small amount of money to ensure the elderly can live in some comfort. Perhaps a person might need a back door or a window replaced, a roof repaired, a walk-in shower installed or redecoration. Money invested in this area would repay society. Although funding for this scheme has improved during recent years, it needs a significant increase in resources. Throughout the country, applications for this year are either not being examined at all, or have not been examined until now. They will not be dealt with this year. Enough money should be provided to enable examination of all current applications.

I hope the Minister with his Cabinet colleagues will give more priority to human services than to the roads, bridges and broadband. It is a tragedy that roads and broadband are given higher priority when we can achieve both. There is more than enough money. If we use the surpluses on human services such as social welfare and prudently borrow for capital purposes, which is the practical economic norm, then both priorities can be dealt with.

Mr. Deasy: I warn the Deputy coming after me that I will not be long. I did not expect to be speaking on this Bill. I am glad to have the opportunity, nonetheless, because I received a call from my secretary an hour ago on a specific issue. It drew my attention as five people have come to my office this week with the same problem as regards rent allowance. I am not an expert in this area in any sense and I will attempt to explain the situation to the House as best I can.

In each case the people were told that they did not qualify for the rent allowance. I take it they had moved to different addresses and were over the thresholds. The appendix to the Department's circular explains the thresholds in each particular category. For a single person it might be €80, so that if someone rents a place for €90, he or she

[Mr. Deasy.]

does not qualify for the rent allowance. I understand there are very good reasons for these thresholds, so that people will not be setting exorbitant rates or ripping off the system.

However, what has happened is that rental prices have increased and in some cases around the country there is a limited supply of rental accommodation. The difficulty is that while social welfare officers are enforcing the regulations in line with the circular there could be a significant increase in homeless people. Three lone parents have come to my office this week having been told they will not qualify for the rent allowance. If I get one or two such cases a week, a parliamentary question might be justified. However, when I get five, it is a serious problem.

The Minister needs to look at the rental market around the country. Rent values have gone up but the thresholds in his Department's circular have not increased sufficiently. People are being deprived, in some cases, lone parents. That is the only point I have to make. It is probably material for a Dáil question. I thought I should bring it to the Minister's attention, however, while this Bill was before the House.

Ms C. Murphy: I particularly welcome the fact that this is a consolidation Bill. That is infinitely preferable than attempting to trawl through 20 different Acts to find out about entitlements. Quite obviously much work has gone into the Bill's preparation and I commend those who have worked on it.

The Minister told the House that a record €12.25 billion was spent on social welfare in the current year and said it was the Government's aim to protect the living standards of social welfare recipients. He said that for every €3 of Government spending, €1 is accounted for by social welfare. That is impressive until one examines the detail. For many decades social welfare payments related in particular to unemployment. They were seen as payments for people out of work because there was no employment for them. However, such payments also relate to other categories such as child benefits and invalidity payments, so that their remit is much broader. Pensioners, for example, have paid their contributions over the years in the context of their working lives. In effect, they are getting back what they have paid in. Given the growing cohort of older people, in ten years time the spend of €12.25 billion will probably seem to be quite small. We need to look less at the global spend than what is being spent individually if we are to measure accurately how people are functioning.

Far too much is expected of child benefit. I was a member of the Commission on the Family in the mid-1990s when child benefit was thoroughly debated as a response to the increasing cost of

maintaining a child. However, that was prior to the major increases in accommodation costs, for example, which have generated significantly extra burdens on a typical family in terms of child care arrangements. Too much is expected from child benefit, which was designed as a policy response towards covering the cost of child care so that parents who stayed at home were not disadvantaged. We have moved on from that. It came across clearly on the doorsteps last March that the issue is not perceived as being properly responded to by this measure alone.

Increases in child benefit have been substituted for increases in the child dependant allowance, which, as Deputy Healy said, has not increased since 1994. That is one of the reasons why families are falling so much further behind, particularly those on social welfare, and why the gap between rich and poor is widening.

The area that features most prominently in any of the statistics on poverty relates to lone parent families and units where there is a number of child dependants. It is the one area which needs particular focus and I hope the Minister will concentrate on it especially in preparing the Estimates for next year's budget. The whole area of child dependence needs to be looked at and indeed the entire spectrum of family supplements.

A targeted response is needed to make a meaningful difference. Poverty is one of the most limiting conditions and something can be done about it. Barnardo's has launched an advocacy campaign, which is very welcome, that focuses on the priorities. It highlights the fact that one in seven children lives in consistent poverty in Ireland — 148,000 children, equivalent to the entire population of Galway. If that figure was isolated in a particular region, it would bring into perspective what needs to be done on a daily basis. Yet when spread across the country, the problem is more diffuse and less obvious as a chronic issue. We appear to have a fixation as regards sorting matters out on a geopolitical basis.

I am almost ashamed to quote the statistic that Ireland has the highest rate of relative child poverty, 23%, in the EU 15. This amounts to 242,000 children, equivalent to Counties Galway and Louth. Children in households where parents are unemployed, ill or disabled — where there are three or more children — are particularly at risk, according to Barnardo's statistics. In 1994, one in 20 households in consistent poverty was headed by a lone parent. By 2001, this figure had increased to one in five. We are not making the progress that is required and possible in this area. The wealth created in the economic boom of recent years must be targeted at need.

The Carers Association made an excellent pre-budget submission. The 2002 census of population indicates there are 150,000 family carers, a

figure equivalent to the population of Galway and an indication of the magnitude of the problem. Based on the census criteria, a full-time carer is someone providing more than 42 hours of care in the home per week who is, as a consequence, prevented from engaging in full-time employment outside the home. Less than one in six carers receive the carer's allowance of €153.60 per week. On the basis that the weekly cost of care in residential homes ranges from €600 to €1,300, depending on an individual's condition and level of dependency, the Carers Association estimates that its members save the State roughly €1.5 billion per annum.

Fuel poverty carries a hidden cost. For a pensioner living on the State pension, the fuel allowance of €9 does not cover the cost of a bag of coal, particularly given the recent significant increases in fuel prices. By taking shortcuts in this area, we will create problems elsewhere. For example, if pensioners try to be frugal with their income — most of them have no choice in the matter — they will decide not to turn on an electric heater or put on an extra shovel of coal on the fire. If they sit at home in cold conditions, however, they may store up health problems which will require intervention by the health system at a later date, even if that response is not terribly good. It is short-sighted not to properly resource the fuel allowance scheme.

Too often, our focus is on those who make fraudulent welfare claims. While I do not defend this practice, the number of eligible people who do not take up social welfare schemes is a more significant issue. Family income supplement is a case in point and I ask the Minister to examine it to remove impediments which prevent people from applying for it. This is a good scheme, which could make a meaningful difference but is frequently misinterpreted.

A pilot scheme is under way for the new rent assistance programme and some families have been transferred from the community welfare officer administered payment to the scheme. However, full implementation will take another four years, which means some people on the current scheme will not benefit from the new rules on differential rents for up to four years. I meet people every week who want to go to work because they feel they are not using their skills. Most of them are lone parents who are often depressed about their circumstances because they are being prevented from playing a meaningful role by embarking on a career, paying tax and contributing to society. The current rent support system creates a poverty trap which the Minister must address by taking short-term measures to overcome the problem caused by the differential rent payment for those who do not have a local authority home.

Mr. J. Breen: The Minister, when he informed the House that the projected level of social welfare expenditure this year is more than €12.25 billion, noted:

This level of expenditure is the highest ever on social welfare and is indicative of the Government's priority to protect and improve the living standards of social welfare recipients. It is a clear demonstration of this Government's commitment to addressing the needs of people with disabilities and their carers, children, the elderly, widowed persons, the unemployed, those who are parenting alone and many others who are disadvantaged, vulnerable or on the margins of society.

The truth is that the Social Welfare Consolidation Bill 2005 merely consolidates a range of inequalities and insufficient attempts to help people who are deserving of our assistance. The House is spending time consolidating a series of Acts into a single large Bill, which will be so complex that a lengthy explanation will be required to make it clearly understood. The Bill does nothing to address the plight of those who are dependent on social welfare. I understand a consolidation Bill does not allow for significant amendments to be made to social welfare legislation. Surely the time debating the Bill would be better spent discussing ways to assist those who need our help.

Ireland still has unacceptable levels of poverty, including a shameful incidence of child poverty. According to the Combat Poverty Agency, poor children have been found to be at a threefold risk of social exclusion from schools, their peers and social-cultural norms. As well as immediate social costs, poverty generates long-term economic costs in terms of low productivity, more unemployment and additional social provision. This problem needs to be tackled as a matter of urgency. Although the Minister has pledged to work on the issue, he must place it at the top of his agenda if those living in poverty, who are among the most vulnerable in society, are to be helped.

The Minister referred to his commitment to carers. I am committed to the work done by carers and praise them for the unselfish manner in which they dedicate their time and resources to caring for people. Carers save the Exchequer a fortune and more must be done for them. While the grant introduced last year will help, more needs to be done. We must recognise the role played by carers and ensure they are adequately resourced to continue their valuable work. The Minister should respond immediately to the call by the Carers Association for a national strategy for carers.

The means test for carers must be abolished. The Minister will claim he does not have sufficient money in the coffers to fund such a measure but they have never been so full. In light

[Mr. J. Breen.]

of the recent wastage of vast amounts of taxpayers' money by the Government, it is disgraceful that carers are being treated so harshly. The Government pays lip service to carers. It would cost the taxpayer in excess of €1,000 per week to care for somebody in a residential care setting, yet those willing to provide full-time care for a loved one in their homes, a preferable scenario for the person in care, are paid a pittance of an allowance which is means-tested before they obtain it. The treatment of carers does not make economic sense and is certainly not moral or just.

More than half of full-time carers are effectively ignored and left to make ends meet on their own. This is disgraceful behaviour on the part of the Government and I demand that the Minister take immediate action to remedy the situation rather than spending valuable time on consolidating previous Acts which do not do enough to help those in need. I put it to the Minister, who would have to agree, that the fuel allowance is too small and inadequate for people to survive.

There is the matter of appeals on which I will question the Minister. It takes four months for an appeal to go through. This causes significant trauma and anxiety for the people who are appealing the fact an entitlement is being taken from them.

I spoke to the Minister last year about the anomalies in the Bill, whereby when a carer travels from Ennis with a child under the age of 16, the child is paid a fair allowance and the carer travels free. Surely this is an anomaly which must be addressed.

When a farmer in my constituency, who paid his PRSI contributions on his farm but who in the past ten years took up insurable employment for three weeks, applied for his pension he was told it would be reduced by 50% as a result of having three weeks' insurable employment. That is not right or fair. That man needs to get his entitlements for which he paid on his farm over the past 12 to 15 years.

Where a father and mother who are married and caring in their home for a loved one who has a disability, if the father dies his widow is not entitled to claim carer's allowance despite the fact she enjoyed the allowance when her husband lived. That should be changed.

On child poverty, one need only walk the streets of this city any night to see young lads, who have been tossed out of their homes, sleeping on door steps. What is the Government doing about it? It must be tackled as a matter of urgency.

The Minister is sincere in his efforts to tackle these problems but they must be tackled now, not in the future. I am confident the Minister will tackle them. The money is there, if the will is there.

Mr. Gregory: In the context of the Social Welfare Consolidation Bill I want to raise an issue which has been raised already in the debate but about which I feel strongly. I am not sure whether the Minister knows I have been raising it in written parliamentary questions to him over a number of weeks. Quite a number of very elderly people in my constituency contacted me in the past few weeks to say their fuel allowance was being taken from them. I found this quite incredible, first, because I thought the Minister was attempting to be progressive in his role as Minister for social welfare and, second, like many others I am one of those sick listening to us being told that Ireland is now one of the richest countries in the world. I fail to understand in that context how the Minister could agree to a situation where elderly people who have been in receipt of a fuel allowance for many years and who have grown dependent on that allowance are, through some brilliant initiative within his Department, having that allowance removed.

Over my years in this House I have been involved with the Minister's Department on a number of occasions. I remember being involved with it when there was a major heroin problem — I am sure the Acting Chairman, Deputy Costello, will remember this also — and I was anxious that the social welfare investigation branch would deal with the problem of drug dealers who, while buying houses, going on foreign holidays and having all the trappings of wealth, were collecting social welfare. Unfortunately, the investigation branch of the then Department of Social and Family Affairs on that occasion over a number of years was, perhaps for good reason, lax in its pursuit of heroin dealers. It is only when it was shamed and embarrassed into taking action and, unfortunately, when Veronica Guerin was murdered and the Criminal Assets Bureau was set up, that we got any sort of action. Against that background, it is a bit of a bad joke to have the investigation branch of the Department of Social and Family Affairs busying itself getting lists from Dublin City Council and other local authorities of elderly people in their 80s who happen to have subsidised heating.

In that context, I refer to Dublin City Council because the Housing (Miscellaneous Provisions) Bill which was introduced in response to the drugs crisis provided for co-operation between the city council and the then Department of Social Welfare and other Departments, again to go after serious criminals who were defrauding the Department. It seems, from some of the replies I received on this issue over recent weeks, that the co-operation between the city council and the Department now is aimed at elderly pensioners to take away their fuel allowance.

I find all this quite despicable because people have contacted me directly. These are elderly persons, some of whom are in poor health. They

have had — this is, of course, the kernel of the matter — what is called subsidised heating available to them and the Department of Social and Family Affairs, on discovering this dreadful matter, would immediately take steps to remove a fuel allowance from those elderly people who had become dependent on that allowance over many years. I have the replies here. I see the Minister shaking his head. If he wants me to read replies I would be quite happy to do so in specific cases where the fuel allowance has been withdrawn. One elderly woman living in the Ballybough area who had her fuel allowance withdrawn is approximately 80 years of age. In any case, considering the Minister shook his head, I would be delighted to hear, if these people have had their fuel allowance withdrawn, that they will get it back. He might review some of the written parliamentary questions I tabled on their behalf and reinstate their fuel allowance. I will proceed on the basis that their fuel allowance has been removed, however, and just argue the case that whereas to the best of my knowledge the contributory old age pension is €179.30 a week and elderly people living alone would get a living alone allowance of €7.70 a week, the fuel allowance is €12.90. This sum is provided, not all year round but from the end of September to 24 March. Meanwhile, the persons concerned pay €5.84 every week of the year to the city council for their subsidised heating.

The Minister is busy being advised by his officials on this issue but I hope he listens to the case I am making as well as to the case being made by the officials. The case I am making is that it is a totally unnecessary measure to introduce after people have become dependent on an allowance over a number of years and that the people who have been in touch with me are, by and large, local authority tenants who are in schemes that now include some form of subsidised heating.

As the Minister knows, local authority tenants are the poorest people in the State, particularly the elderly. When people get old they feel the limited central heating supplied is inadequate for their needs, perhaps for reasons of age or ill health. They become dependent on electric fires and use them regularly. This is common among the elderly. They pay their bill for the electric fire and, in addition, they pay a subsidy of approximately €6 a week every week of the year on top of their rent for the subsidised heating. In these circumstances, a dependancy on the fuel allowance has arisen among these people as a result of being in receipt of it for years.

Furthermore, they pay for the provided heating 52 weeks of the year. To totally remove the fuel allowance is uncalled for. The attitude seems to be, to hell with them, let them pay their supplement for heating 52 weeks of the year out of

their meagre old age pension. The message going out is that the State will not help them at all.

This is the message elderly people got when they went to their post offices over the past few weeks. When they were told they would no longer get their fuel allowance they rang me and other public representatives. This has been happening for some weeks. What will people in the wider community think when they hear that the strongest economy in Europe, the richest country in the world, cannot permit these people to hold onto an allowance of €12.90 over the winter months?

I have made an effort to make the case in a reasonable fashion. I feel strongly about this issue, although not half as strongly as the elderly people who have become dependent on the allowance. I hope the Minister takes another look at the issue. To remove the entire allowance in such an arbitrary fashion, thereby giving the impression that the heating needs of these people have been catered for fully and that they do not have to pay, is wrong. The fuel allowance is only payable for a few months of the year, yet these people pay a subsidy for 52 weeks of the year towards their heating.

Elderly people form the poorer sector of society, many would be in ill health and they need to use electric fires in the bedroom or sitting room to which they are more or less confined 24 hours a day. The Minister is a reasonable public representative — I have never had any reason to believe otherwise — and I hope he will look at the issue again in the context of what I have said. He should check the number of people who were in receipt of a fuel allowance over the past number of years but who have been told in the past few weeks that they will no longer get it.

I have raised a number of cases of people who have been rejected with the Department. I raised the case of one elderly woman from the Ballybough area who did not get her fuel allowance a few weeks ago and was informed in a written reply that she had subsidised heating and would not get it. Tough luck was the general gist of the reply. I find this unchristian, unnecessary and wrong. I ask the Minister to look at the issue again.

Minister for Social and Family Affairs (Mr. Brennan): I thank Deputies for a fine debate. I had the pleasure of hearing all of it and greatly appreciate the contributions made. There is much expert advice available in the social welfare area and much research has been done, but it is particularly interesting to listen to Deputies who have people come to their clinics week in and out with real on-the-ground problems.

I have taken careful note of what Deputies have said, something I believe necessary. We are all at the coalface. I hold a clinic also and people come to me with their bits of paper from my

[Mr. Brennan.]

Department to show me the replies they have received and the details of the schemes. This is not a platitude. I mean it sincerely that the experiences Deputies have on the ground in the welfare area are critical to the job I am trying to do. I acknowledge that and thank Deputies for sharing their experience.

As Deputy Gregory is in the House I will address the matter he just raised. I will review the situation and have a close look at the issue — I had a meeting on the matter in the past few days.

Reviews take place regularly in the Department. An area is selected every so often and all applicants for the scheme in question are examined to see if there is any duplication or overlap. The reviewers came across 237 individuals in receipt of the fuel allowance who were also in the subsidised——

Mr. Gregory: This is not the Ansbacher list but elderly people in corporation accommodation.

Mr. Brennan: It is not, but if the Deputy has that list, I would not mind looking at it. The 237 individuals identified were in receipt of fuel allowance as well as being on subsidised heating. There are approximately 4,000 people in receipt of subsidised heating from the city council and the 237 found were also in receipt of fuel allowance. That was an error. Under the law of the land — criticise it as the Deputy will and seek changes as is his duty — the regulations are that this group is not entitled to a fuel allowance. They pay approximately €6.50 a week towards heating to the city council. The fuel is supplied and paid for and these people are not affected by, for example, the recent quite enormous upsurge in oil prices. Successive Ministers never intended that this group would qualify for the fuel allowance because fuel is supplied — the price of oil does not affect its price — and members pay €6.50 a week towards it.

When the Department review group did the trawl, it found that 237 out of the 4,000 in the group had been receiving the allowance in error. As I understand it, those people were informed the error could not continue and would have to be corrected. The people in question were told there was no question of having to pay back the money——

Mr. Gregory: Maybe the Minister would have sent them to jail.

Mr. Brennan: I must deal with the law as it is. The recipients were told that from the start of the next season the error would not be continued. I suppose there are a number of ways out of it. We cannot continue to pay all 237 people without paying the 4,000 other people. We cannot tell the 237 people in question that they can keep the

allowance because they got it in error, but the people down the corridor will not get the allowance because they have never been in receipt of it. Deputy Gregory knows as well as I do that we could not do that. It has been suggested that we pay the allowance to all 4,000 people and amend the regulations accordingly. That is an expensive proposition that will be considered in a budgetary context.

I regret that 237 people in various local authority complexes have to endure this change. I have instructed my officials to contact the people in question and to give them every possible support. It is not open to me to restore the fuel allowance to the 237 people without offering the scheme across the board. I take the Deputy's point that such an explanation is not of much assistance to the 237 people who were getting the allowance for a long time before it was suddenly withdrawn from them. I will examine the matter again to see how it can be sorted out. While I do not want the 237 people in question to suffer, I must take cognisance of the fact that they erroneously received an allowance to which they were not legally entitled. They were protected against increases in fuel prices in any case because fuel was being supplied to them. I have outlined the current circumstances. I invite Deputy Gregory to suggest a neater solution than the extension of the fuel allowance scheme to people who are in receipt of fuel. As that does not seem like a sensible route, I would like to be convinced of a better route. I am not in the business of annoying 237 individuals who find it hard enough to live without such interference. I will do what I can to be of assistance to them. I have listened to Deputy Gregory's comments and I will examine the matter.

It is worth taking a broader view of this legislation, which is the first social welfare consolidation measure since 1993. I am glad the House is giving this Bill, which contains nothing new, a speedy passage. I thank the officials in the Department of Social and Family Affairs who worked so hard on this fearsomely difficult and tedious consolidation process. I have seen the blood, sweat and tears of the experts who have advised us as part of this awesome task. The House should acknowledge that this legislation will consolidate in a single Act all the changes made to the social welfare code since 1993. The consolidated legislation will be very useful for Deputies and customers alike.

According to the Central Statistics Office, over the last decade inflation has run at approximately 32%, gross industrial earnings have grown by 68% and social welfare rates have increased by almost 82%. Every effort has been made to ensure that social welfare rates have stayed well ahead of inflation and the increases in gross industrial earnings. It is obvious that we have a distance to travel in that regard. The thresholds

used in the risk of poverty indicator have increased by approximately 140%. A fair effort has been made to increase social welfare rates.

A number of Deputies, including Deputy Paul McGrath, expressed strong feelings about the child dependant allowance. As I have said previously, the Government continues to pursue a deliberate policy of concentrating on child benefit, rather than tackling the child dependant allowance. I listen carefully to the views of groups like the Combat Poverty Agency, which recently made a presentation to me on the matter. There is a growing view that I should re-examine the child dependant allowance in the context of tackling child poverty, to which we are all committed. I will certainly do that. Deputies are aware that I am committed to trying to bring together the child dependant allowance and the family income supplement to create a new second-tier child benefit allowance, aimed at the bottom 10% or 20% of low-income families, after I have received the final report of the National Economic and Social Forum on the matter. If we can bring the allowance and the supplement together, as we are trying to do every day, there might then be a case for a re-evaluation of the Government's policy on child dependant allowance, as an interim measure. Such a change will only be made in the context of the creation of a new second-tier allowance.

Deputy Ring asked about the inclusion of mobile telephones under the free schemes. His assertion about the telephone allowance was broadly correct. I am anxious that those who are entitled to the allowance should be allowed to claim it in respect of mobile telephones or land lines, depending on which they prefer. I do not intend at this stage to allow people to acquire mobile telephones in addition to land lines under the scheme. I am satisfied that it is appropriate to allow the fixed-rate allowance that is available at present to be used in either case. We have been making some progress in this regard.

Deputy Durkan was anxious to emphasise the importance of carers. He will be aware that the long-term care working group, chaired by officials from the Department of the Taoiseach and involving officials from other Departments, particularly the Department of Health and Children, was established on foot of the Mercer report. Significant improvements have been made to the carer's allowance and, particularly, the carer's benefit schemes. The Deputy asked me to consider the recommendation of the Joint Committee on Social and Family Affairs that carer's allowance be paid in conjunction with widow's or widower's pension. The cost of paying the carer's allowance at half-rate in conjunction with another social welfare payment would be approximately €30 million, which is a significant amount of money. The principle followed at present is that one should receive just one payment from the

Department of Social and Family Affairs. I would be reluctant to enter into unknown territory by compounding a primary payment by making a second payment. Deputies are aware that the respite care grant was increased to €1,000 last year. Of the 29,000 people who have been awarded the grant to date, some 5,000 people have benefitted from the enhanced grant arrangements. The Department continues to receive and process application for the grant. I am anxious that the grant be paid to everyone who is entitled to it. The Department has taken some steps to bring the existence of the grant to the attention of carers.

A number of Deputies spoke about rental assistance arrangements, including the rent supplement scheme. I will examine the cases highlighted by Deputy Ring as examples of anomalies in the system. The Department transferred funds of €19 million last year from the rental assistance scheme to support a new scheme being organised by the Department of the Environment, Heritage and Local Government. I am anxious for that Department to accept more responsibility in the housing area because the short-term rental allowance was never meant to be a permanent means of meeting housing need. The allowance is a short-term measure, at best. The provision of proper housing needs to be the long-term solution to housing problems.

Deputy Durkan asked me about the effect on immigrants of the habitual residence requirement, which is under review in the Department of Social and Family Affairs. This is a sensitive area, as Deputies are aware. While we are anxious to be fair to everyone who comes to our shores, we cannot have a completely open-door policy in respect of social welfare. We need to strike a balance, as other EU member states have done. Ireland's welfare stipulations, as they relate to immigrants, are probably more lenient than those of most other EU member states. That said, I am particularly conscious of the need to consider the effects of our policies on children. We take a much more lenient view in respect of child benefit as it applies to immigrants. This entire area is being kept under review. There is no hard and fast two-year rule in this regard. A number of matters are taken into account when decisions are made about applicants, including the length and continuity of their residence in a particular place, the length and purpose of their absence from Ireland, the nature and pattern of their employment, their main centre of interest and their future intentions in respect of this country. Full consideration has been given to all those issues. It is not accurate to suggest it is simply a black and white two-year rule or that a person is out of the net if he or she does not meet the two-year rule. Other measures are as important as the two-year rule in making a decision.

[Mr. Brennan.]

I have dealt with the issue of child poverty, which was raised by a number of Deputies. It is very much on our agenda, especially in respect of the child dependant allowance.

Deputy O'Connor referred to child care. It is important we do not let it become only a middle class or middle income issue and that we do not only see it in the context of people who commute, pay large mortgages and place their children in child care. Some 70,000 to 80,000 lone parents, most of whom are not middle income earners, as well as the many who choose to stay at home for various reasons, must also be considered. I would not like it to become a mark of our 21st century progress that we would spend significant amounts of money on child care.

I warn Members, including those on this side of the House, that if we decide in the next 18 months to turn child care into an electoral auction, all of us will regret it. It is a complicated, sensitive area. We need to work through solutions with some urgency and ensure child care applies to all sections of society. Members may plan to outbid each other in the next 18 months, some saying they will give €1 billion, some €2 billion, another promising tax breaks and another promising to make child care universal because all the children of the nation must be treated equally. However, if we go down that road, we will regret it. There is no major political advantage for anybody in doing this.

Deputies Healy and Catherine Murphy referred to the fuel allowance, which is between €9 to €12 and has not increased for many years. The reason it has not increased is deliberate policy and not because funds were not available. When I came to this post last year, the expert advice to me was to put funding into child benefit and the rates we pay on the different schemes. Last year we gave increases of €14 virtually across the board. However, with regard to the funding for the secondary schemes, whether fuel allowance, telephone allowance, travel allowance, the allowance for the over-80s, the living alone allowance or otherwise, it is necessary to decide whether to spread the funding available by increasing all the allowances, which would leave less funding available to increase the main rate. The increase to the main rate last year would probably have been €11 or €12, not €14, if I had agreed to the requests to increase the secondary benefits.

Members might think it is possible to do both. In reality, it becomes a trade-off. The view taken over the years, not only by me but by almost all my predecessors over the many years the fuel allowance has not increased, was that it was better to give the money directly to the recipient in the main rate. Recipients can then make their own choices on spending rather than the Government deciding this for them by providing a lower

main rate while increasing the secondary benefits. That said, fuel is a particular problem this year given the rise in oil prices. In that context, the Minister for Finance and I have agreed to give the matter special consideration.

Deputy Ring wanted vouchers for taxis in areas where access to public transport is difficult, a case that has been made many times. It would be difficult to implement such a policy. It might be better if we worked through the rural transport initiative.

A number of Deputies raised issues with regard to unemployment benefit. I will consider these as we go forward.

Mr. Deasy: Will the Minister comment on the rent allowance?

Mr. Brennan: The Deputy said he dealt with five cases.

Mr. Deasy: I have dealt with five cases so far this week.

Mr. Brennan: I will examine the issue. In recent weeks we put new maximum amounts on rent allowances in an attempt to keep rent prices down. If rents were €600 and we agreed to pay rents up to €800, rents would rise to €800 to match what we would pay. We must be very careful in this market because the rent supplement accounts for 40% of the rental market of the State. When we impose a cap, we must be very careful that it does not result in pulling costs up. I am not sure what effect the changes have had but I will reconsider the matter.

Mr. Deasy: I take the Minister's point but the flip side is the hardship this is causing to some people.

Mr. Brennan: I will reconsider the matter.

Mr. Deasy: I thank the Minister.

Mr. Brennan: The caps were imposed for a good reason. If we pay more, the market will rise. That is why we have tried to hang back.

Mr. Deasy: That is what is causing the problem.

Mr. Brennan: The statistics suggest that rents are mainly static or levelling off. This is probably because of the great number of new apartments being built.

Mr. Deasy: I am simply asking for some leeway to be granted in cases where there is hardship, in particular for those who have received rent allowance for years but are told they will no longer get it, which is particularly difficult for lone parents. Social welfare officers should be given leeway in

those cases. I have dealt with five such cases so far this week.

Mr. Brennan: I will get the details of those cases from the Deputy to ascertain what is the problem.

I thank Deputies for their contributions. I will take on board the points made.

Acting Chairman (Mr. Ardagh): In accordance with Standing Order 139, the Bill, with the concurrence of both Houses, will be referred to the Standing Joint Committee on Consolidation Bills. I understand that the motions of referral will be moved shortly.

Question put and agreed to.

Statute Law Revision (Pre-1922) Bill 2004

[*Seanad*]: **Second Stage.**

Minister of State at the Department of the Taoiseach (Mr. Kitt): I move: "That the Bill be now read a Second Time."

The Statute Law Revision (Pre-1922) Bill provides for the repeal of 219 Acts that predate the foundation of the State. These are statutes that were enacted before 6 December 1922 that are no longer in force and are considered to be spent, obsolete or no longer of practical utility. It is the result of detailed research on the part of the Office of the Attorney General and extensive public consultation.

Some months ago, the Taoiseach laid out an ambitious plan to remove from the Statute Book the remnants of legislation which pre-date independence and, where necessary, to replace it with legislation more suited to our modern, democratic state. This plan is one part of the Government's wider commitment to better regulation and regulatory reform, a commitment laid out most clearly in the White Paper, *Regulating Better*, published in January 2004. Through this Bill, it is intended to help streamline the Statute Book by eliminating those pre-1922 statutes which have no relevance to modern conditions. As legislators, we have a tendency to add laws to the Statute Book but rarely to take any away. Statute law revision Bills, such as this one, help to redress this imbalance by lightening the load of regulation on our society.

This Bill will also reduce some of the practical problems and difficulties caused by pre-1922 legislation. One key difficulty is that pre-1922 statutes can be difficult for citizens and legal advisers to obtain physically. Such provisions are not nearly as accessible as the legislation enacted by the Oireachtas in the period since 1922 which is electronically available. In contrast, not only are the pre-1922 statutes not available electronically but some can only be read in volumes that are out of print. Another difficulty is that these laws, some of which date back to the 13th

century, are written in a language and terminology which is obsolete and archaic. There are fundamental problems in requiring people to be bound by laws which they cannot reasonably be expected to find, interpret or understand. This Bill is part of the solution to that problem.

I will detail the substance of the Bill, but I would first like to outline to the House the wider better regulation agenda, the context in which this Bill appears. EU and OECD countries increasingly use the term "better regulation" to describe efforts being made to improve the quality and, where practicable, to reduce the quantity of regulation. It is important, however, to stress that better regulation is not simply deregulation. In some cases, removing regulations completely may well be the correct approach to take. In other cases and in fact more often, better regulation is about amending, consolidating, simplifying, updating or streamlining to improve on existing regulation.

One of the basic principles of better regulation is that the State should improve both the flow of new legislation and the existing stock of laws and regulations. The primary method by which the flow of new regulation is being tackled is through the introduction in June this year of regulatory impact analysis. This approach requires Departments to consult more widely with interested parties before regulating and to analyse in greater detail the likely downstream impacts of a proposed Bill or statutory instrument before presenting it to the Oireachtas. In the longer term, this process should lead to the drafting of better quality regulation that appropriately deals with the intended issue and does not negatively impact on other areas.

The second element of a good regulatory system is managing the stock of existing laws and rules. While it is critical to improve the quality and manage the flow of new regulations coming on stream, we must simultaneously tackle the body of existing laws and regulations. That is where this Bill fits in. Some of the laws and rules set out in the Schedule to this Bill are archaic and a heavy burden on the economy and society as a whole. That is why the Taoiseach asked the Attorney General last year to examine if it is necessary to carry forward into our Statute Book laws that were enacted as far back as the 13th century. This Bill is the first step towards removing some of this redundant legislation — the dead wood.

I wish to point out to the House the difference between law reform and law revision. Law reform is concerned with the substantive nature of the law. It changes the effective rights and duties which apply in our society. Law revision does not change the substantive law. It merely sweeps away those laws which no longer have any substantive effect. It is the process of removing legislation that has lost any modern purpose from the

[Mr. Kitt.]

Statute Book. In this process, our citizens and legal professionals are given a greater level of certainty as to the state of the law. If this dead wood were not removed in this way, it would be very difficult in practice to determine which laws do and do not have continuing relevance.

Statute law revision also makes the process of enacting modern regulations more efficient. When preparing new legislation, earlier and existing legislation must be appropriately assessed to see what must be repealed or amended in light of the proposed new law. The greater the volume of such earlier material, the greater the effort and time that must go into this analysis. Given, as I indicated earlier, that much of the pre-1922 legislation is not available electronically or is listed only in old, out of print texts, this assessment can be an arduous, time-consuming and costly process. Statute law revision can help to reduce this burden on the Parliamentary Counsel and the Members of the Houses of the Oireachtas.

Ultimately, removing the legal dead wood facilitates the process of regulatory reform and plays a critical role in contributing to the maintenance of an updated, relevant and coherent Statute Book. In reducing the time spent locating and consulting the Statute Book to determine the law on a particular point, it also enables the wider legal and judicial system to operate more efficiently and effectively.

The Statute Law Revision (Pre-1922) Bill deals only with primary legislation from the years prior to Independence and is primarily concerned with laws passed by a number of parliaments which had authority over Ireland over a period of eight centuries. Plans are being developed within the Office of the Attorney General to ensure that secondary legislation will also be dealt with in due course.

At the time this Bill was introduced in the Seanad late last year, it covered 91 statutes. However, the Attorney General's office has continued its detailed research and has since identified many more statutes for repeal. As a result, the Bill was amended in the Seanad so that it now provides for the repeal of 219 Acts.

The statutes covered by this Bill fall into the following categories: Irish statutes passed before the union with Britain, which are laws passed by various parliaments sitting in Ireland between 1200 and 1800; English statutes passed before 1495 which were applied to Ireland and which mostly consist of laws passed by English Parliaments which were applied by virtue of Poyning's Law in 1495; English statutes passed between 1495 and 1707 which were applied to Ireland; British statutes which were applied to Ireland which are statutes passed by Westminster Parliaments after the union of England and Scotland in 1707 but before the union of Britain and Ireland in 1800; and Acts of the late United Kingdom of

Great Britain and Ireland passed after the Act of Union in 1800 but before the establishment of Saorstát Éireann in 1922 and which applied to Ireland.

As the Deputies will note, most of this legislation was enacted by the Parliament of the former United Kingdom of Great Britain and Ireland. This general body of statute law was continued in force by Article 73 of the Constitution of Saorstát Éireann and Article 50 of the Constitution of Ireland. Pre-1922 legislation still effective in Ireland, therefore spans back as far as the year 1200.

The varied nature of the sources of this legislation leads to a degree of uncertainty in the Statute Book. For example, a large volume of legislation was passed by the Parliament of Great Britain between 1707 and 1800, but only a small percentage of that legislation ever applied to Ireland. Separating the wheat from the chaff is a time-consuming exercise. Similarly, a large fraction of the legislation passed in Westminster from 1801 onward did not apply to Ireland. Therefore, in many cases, each Act must be carefully analysed to determine whether it applied to Ireland. The best way to minimise the practical problems caused by these and other complications is to have a vibrant policy of statute law revision.

Another reason for keeping statute law under review is that many of the old Acts have titles which are offensive such as lands of idiots and lunatics. It is not appropriate to have such legislation on our Statute Book and the removal of this antiquated and insulting material affirms the respect the State owes to all its citizens, regardless of their circumstances. It is timely that we repeal such statutes now as the Law Reform Commission recently recommended that phrases such as "idiot", "lunatics" and "those of unsound mind" be removed from legislation.

In the past two centuries, only a few statute law revision measures have been enacted to clarify, repeal and reform the entire body of law remaining on the Statute Book. Several major statute law revision Acts in the Victorian era repealed a considerable quantity of pre-Union Irish legislation. This type of omnibus repealing legislation was repeated in 1962 and 1983.

A significant amount of pre-1922 legislation has also been repealed in the normal course of law making by the Oireachtas, especially in the various large consolidation Acts which have modernised certain areas of law at different times. However, these Acts are a supplement to, rather than a replacement for, a thorough programme of law revision. Such a programme exists in the United Kingdom, where more than 2,000 Acts have been repealed and at least 2,600 more were partially repealed by the statute law repeals legislation, drafted by various law commissions. This left Ireland in the curious situation where many

old English and British Acts remain in force here, despite having been repealed in the UK.

The need for statute law revision in Ireland was recognised through the establishment in 1999 of the statute law revision unit in the office of the Attorney General. The unit was responsible for drafting the Bill, which represents the first broad-ranging statute law revision exercise for more than 20 years. Other EU and OECD countries have initiated similar programmes to streamline and codify their respective Statute Books. In recent times, the European Commission has given commitments to the reduction by 25% of the *acquis communautaire*, the existing body of Community treaty and subsidiary law.

The Bill deals exclusively with those statutes passed before 6 December 1922 which are no longer in force and considered to be spent, or which remain in force but are no longer of practical utility. Many Acts from that period, however, continue to form the cornerstone of Irish law, including the Conveyancing Act 1634, the Statute of Frauds 1695, and the Sale of Goods Act 1893. These Acts will not be repealed or affected by the Bill.

When the initial review of English, British and UK legislation commenced, it was decided from the point of view of time and resources to confine the exercise to an audit of legislation available from *The Statutes Revised*, a UK publication. Later, an expanded programme of assessment was based on a more comprehensive series of publications, *The Statutes of the Realm*. The main source of pre-Union Irish statutes was a revised version known as Cullinan's, *The Irish Statutes 1310 to 1800*, but other sources going back to 1200 were also examined. The cut-off year of 1922 is the date from which the Irish State began to legislate for itself. The review process that followed, involved the statute law revision unit examining the relevant legislation to ascertain the extent to which the legislation outlined was still in force in Ireland, by reference to the chronological tables pre- and post-1922. These tables show how, and when, legislation has been amended since its enactment.

As a result of the review, a list was compiled of all legislation identified as being in force which dated from the period between 1200 and 1922. It was decided to exclude from the review areas, legislation known to be the subject of active policy consideration by Departments or part of the programme for Government such as criminal law, conveyancing and land law, revenue law, liquor licensing law, water services law, consumer law, merchant shipping and fisheries law and the law relating to harbours and railways. Even after these large categories were excluded, hundreds of other Acts were identified as being possibly obsolete, spent, or no longer having practical utility.

The next step was to hold public and departmental consultations. A public web-based consultation was launched and Departments were supplied with a list of Acts relevant to their respective areas of responsibility. They were asked for agreement with the preliminary view formed by the office of the Attorney General on those Acts proposed for repeal. In many instances, multiple consultations with many officials and sections within Departments were required, as well as numerous cross-departmental ones. It was also essential in various instances to confer with subsidiary bodies and agencies with responsibility for, or an interest in, particular legislative provisions. It often transpired that Acts which no longer appeared to be of practical utility were still in use. Officials were also invited to make suggestions on the modernisation of that legislation which remained in force. The result of the exercise was the drawing up of the list of Acts set out in the Schedule which it is now proposed to repeal.

The Schedule lists 219 statutes for repeal. However, I will bring forward amendments on Committee Stage to change this list slightly. The result of further ongoing research into the pre-1922 legislation is that we are now in a position to include some additional statutes and several of those now listed should not be repealed at present. A separate exercise will be needed to repeal legislation enacted after Independence which remains in force but is no longer of practical utility. While there are no firm plans to undertake such an exercise, it would be a very useful continuation of the Bill's streamlining approach which could be undertaken if resources permit.

The Bill is short but effective. Section 1 provides for the repeal of legislation which consists of the public general statutes enumerated in the Schedule, together with one particular Act as set out in of section 1(2). Section 2 is a standard saving section and section 3 is the Short Title.

The Bill is only one element of a plan the Taoiseach outlined. The ultimate objective is to remove from the Statute Book all pre-1922 legislation and replace it with legislation passed by the democratically elected representatives of the people. Other elements of the Taoiseach's plan are well in-train. For example, the office of the Attorney General commenced a project that will provide a comprehensive database of all pre-1922 public general legislation. The database will provide a template for future revision. I hope it will be possible to make the database electronically accessible by the public. Subject to appropriate cost-benefit analysis, projects to assess pre-1922 local, personal and private Acts and pre-1922 secondary legislation may be devised after completion of the study of public and general statutes. It is envisaged that a programme of repeal of pre-1922 legislation and re-enactment in modern form where necessary will

[Mr. Kitt.]

be commenced on a Department by Department basis.

The repeal of the Acts identified in the Bill, and of any additional Acts that may be included for repeal on Committee Stage, will create a more accessible, coherent and transparent Statute Book. The Bill falls squarely within the Government's agenda for better regulation, bringing benefits to society and the economy through lower legal and transaction costs, while increasing the credibility of the legal system. Complete updating of the Statute Book is a significant task which will best be accomplished through a phased programme of measures. I thank all officials who have worked hard on the Bill's preparation. The Bill is an important first step and I commend its enactment to the House.

Mr. Neville: I welcome the broad process of the Statute Law Revision (Pre-1922) Bill which aims to tidy up the Statute Book by removing 219 Acts that have either become obsolete or have fallen from use. It is part of a commitment by the Government to streamline the list of Acts on the Statute Books and to maintain only those Acts which are of use. Better regulation is increasingly being used in EU and OECD countries to describe government efforts to improve the quality and, where necessary, reduce the quantity of regulations. Regulation includes both primary and secondary legislation, as well as subsidiary rules including administrative circulars and red tape. Statute law revision is the process of repealing legislation that has lost any modern relevance. There have been many statute revision Acts since the foundation of the State, the last one in 1983, which have repealed Acts from a 700-year period.

While this is welcome, when will the language of the law be repealed? I recall the Seanad debating the need to simplify and modernise the language used in legal documents and Acts. After years of reading Acts as legislators, one often must read a section some four times before getting the full implications of what it means. Some countries have modernised legal language. While it would be a marathon effort with the legal profession to undertake such an exercise, it would be a very valuable one in ensuring citizens, affected by all laws, understand them.

The process entered into this Act is welcome as Acts not in use or not necessary should not remain in force. Fine Gael supports the principle that Acts not in use should not remain in force. It also supports the rationale behind it of managing the range of existing laws and regulations while improving the quality of current legislation and monitoring the flow of new legislation coming on stream.

It is heartening to see that the Government is finally making an effort to deliver on some of the commitments it made in its programme for Government 1997-2002. If only it would deliver on some of the more important promises it made on health care, justice and not wasting taxpayers' money. It is clear this Bill, originally introduced last year, is far from a priority for the Government. It is a simple Bill that could have come into force almost a year ago with a little more effort from the Government. Instead, it has meandered through the Houses of the Oireachtas with painful torpor and endemic inertia that is symptomatic of this Government's attitude to passing legislation.

This Bill only deals with Acts between the Statute of Winchester 1285 and the Treaties of Washington Act 1922 and does not address the large number of obsolete statutory instruments that remain in Irish law. The Minister of State might let us know what plans he has to deal with the area of statutory instruments. Fine Gael is committed to making laws and statutory instruments that are readily available to the public at large, and sees better regulation not just as buzz words that make us sound good and garner a few lines in the press but as a manner in which Government should seek to operate. It is a process that goes beyond legislation. It should permeate every decision and action of the Government.

This Government claims to be in favour of better regulation but this is not supported by either its actions or its words. For example, the Interpretation Act 2005 started as the Interpretation Bill 2000. It took five years to become law. There never was a more stark example of where this Government's priorities lie. When the Interpretation Bill 2000 was going through the Oireachtas Fine Gael tabled a number of amendments to the effect that there should be updates and explanatory memoranda published with all new legislation, that new statutes should be published on-line within one day of having been passed and that Acts that had not been used for three years should automatically lapse. All of these amendments reflected considered measures that would bring about better regulation but they were roundly rejected by the Government at that time. We even had a fight in the Seanad to have the Act come into force upon its signature by the President, rather than six months later as the Government wished. My colleague, Senator Cummins, made the point that for successive Governments, including this Government, improving Statute Book tables takes a back seat to everything else.

Improving the Statute Book has never been a political aim as it does not garner votes for any party. The task of tidying up the Statute Book does not lend itself to immediately visible results and it is a tedious and expensive task. The level of finance expended is not always fairly reflected

in the amount of progress apparent. The high cost of rendering some order to the Statute Book can provide ammunition to those who are cynical about the merits and effects of such efforts.

The statute law revision project which gave rise to and is the basis for this Bill could not have commenced without the support of the Attorney General. It is imperative the process does not fizzle out. A great deal more work must be done if real improvements are to be made to the Statute Book. I welcome this Bill not as an end in itself but as a tool toward improving the Statute Book for the future. I ask the Minister of State to clarify the situation with regard to the Statute Law Restatement Act 2002, which should allow for an official consolidation of Acts to be published. This unofficial consolidation could then be used in the courts without the process of passing through the Oireachtas, but to my knowledge, there is not any example of this legislation being used in the three years or so since its enactment. This is another way in which we could better manage the Statute Book without unduly burdening the Oireachtas with Consolidation Acts.

Will the Minister of State clarify whether he intends to add any further statutes to the Schedule to the Bill other than those he indicated at the end of his speech, given that he increased the number of Acts to be repealed by a staggering 240% from 91 to 218 on Committee Stage in the Seanad? He might let us know if other Acts will come under consideration during the passage of the Bill through Committee and Report Stages in the Houses of the Oireachtas.

I oppose the practice that has become a habit, particularly with the Minister for Justice, Equality and Law Reform, of radically reshaping legislation after Second Stage, because it removes the necessary time to deliberate and consider future legislation and its effects. On this occasion, however, I welcome the fact that the Bill is to be more encompassing than it was when it was first proposed in the Seanad. Nonetheless it begs the question, asked by Senator Brian Hayes on Committee Stage, whether the Minister of State would not be better advised to wait until the Attorney General was satisfied that no other Acts or statutes should be added to the Bill. The Minister of State alluded to work that was ongoing to review statutes pertaining to intoxicating liquor, land and employment rights.

The Minister of State said it would not be long before somebody came back to the House to undertake further work in this area. Since he has made clear his objective is to repeal all pre-1922 legislation so that there will be no need to revise the body of law I ask him to appraise the House of his intentions. Could he tell us in detail what plans he has, if any, to introduce another statute revision Bill and when we might be likely to see any draft of such a Bill?

I welcome the effort to tidy up legislative history. I join the Minister of State in recognising that there is more work to do and that this Bill represents only the beginning of this important process. I look forward to further initiatives in this vein and more work to manage the Statute Book. I commend the Minister of State on drawing our attention to the need to keep Statute Law under review because some old Acts have titles which are offensive, such as “lands of idiots” and “lunatics”. The Law Reform Commission recently recommended the removal of phrases such as “idiots”, “lunatics” and “those of unsound mind” from legislation. The Minister of State might be aware of my interest in this area.

I look forward to going one step further, though I do not know if it is in the Minister of State’s power to do so, by removing those terms from general everyday use. The use of such terms and others like “barmy” and “off the wall” has a profound effect on the 20% of people who suffer from a psychiatric illness and it stigmatises people. They inhibit people from accepting that they have an illness.

The illness may become more profound because it is not accepted or treated. By the time the illness becomes serious, the treatment will not have the same effect that it would if the illness were treated at an earlier stage. It also labels people for life, although this is waning somewhat. Nevertheless people, especially young people, are inhibited from seeking help because they label themselves. Even if these people look for assistance and treatment in private and in confidence, a degree of self-labelling occurs that would stop these people from seeking the help.

I look forward to a time when we can remove some of the terminology that is loosely applied to those who suffer from a psychiatric illness or an emotional difficulty, as it would be helpful in making progress on the issue of psychiatric illness. The Minister of State discussed a removal of such references from Acts. Similarly, some offensive references to African-Americans were very much in use until the 1960s and 1970s but are now unacceptable in the United States. I will leave discussion of the issue of the availability of psychiatric services to another Minister.

Mr. Gilmore: As we approach this Bill, one wonders what the views would have been of those who worked and fought for Irish independence in that it has taken over 80 years to repeal statutes that existed prior to independence. Even at that, we are only dealing with statutes that are redundant.

The Bill before us is the product of a fairly lengthy process. The strategic management initiative working group on regulatory reform produced its report, Reducing Red Tape — An Action Programme of Regulatory Reform in Ireland, in 1999. The report followed Delivering

[Mr. Gilmore.]

Better Government, which was published in 1996 and outlined the principles that should underpin regulatory reform. It stated that the quality rather than the quantity of regulations should be improved; unnecessary and inefficient regulations, including legislation, should be eliminated; necessary regulation and related procedures should be simplified as much as possible; the cost of regulatory cost should be lowered; and regulations should be made more accessible to the public. In each case the public interest should be protected.

The commitment was to make legislation more coherent and easily accessible to those who need it. As part of the process, the Government likes to trumpet that a separate unit to address the issue, the statute law revision and consolidation unit, was established in the Office of the Attorney General. This was merely the restoration of a unit which had previously been suppressed as a cost-cutting measure for many years. The current impenetrable state of the Statute Book is a result of the failure to maintain that unit throughout those years. If it is now agreed that poor regulatory practices impose additional costs on business and administration, it is worth remembering that the practices were imposed to save costs in the first place.

The process of reviewing our regulatory system culminated in the 2004 Government White Paper, *Regulating Better*. The paper made the commitment on behalf of the Office of the Attorney General that:

A programme (under the remit of the Statute Law Revision Unit) will be put in place to analyse pre-1922 legislation with a view to:

Identifying moribund legislation and repealing it through the introduction of a Bill;

Re-enacting legislation that is still useful, removing anomalies in the process; and

Streamlining/simplifying the Statute Book as necessary.

The promised delivery date was spring 2004. In fairness to this Bill, which perhaps intends to deliver on the first of the three commitments, it was published in November last year, a mere six months late. We have heard nothing of the other two commitments, the re-enactment of still useful legislation and the streamlining and simplification of the Statute Book.

When the Bill was first published it included just 90 Acts, constituting the sum total of legislation produced over 687 years that is no longer useful, relevant or even comprehensible. However, the statute law revision unit's own website stated that it had identified approximately 100 Acts that possibly needed to be repealed. A consultation process was initiated with Departments and other relevant bodies to confirm that

these laws were no longer in use. The Bill before us was amended in the Seanad to provide for a total of 219 Acts to be repealed. These include legislation governing the British civil list, German reparations, the tobacco plantation trade and the Veterinary Surgeons Act 1881. One might question why that statute was not repealed when the Houses dealt with what is now the Veterinary Practice Act 2005.

The statute law revision unit has stated that it plans to continue to advise the Government on the modernisation of the remaining pre-1922 legislation, such as repeal and re-enactment with absurdities removed. The word "absurdities" is the unit's own. It is shocking to think that those in charge of the state and health of the Statute Book consider some of the legislation under their remit to be absurd. Four years ago, an 1854 provision was repealed that made it a criminal offence to beat or shake a carpet, rug or mat after 9 a.m. However, it was considered necessary to retain in force provisions in the same Act that deal with furious driving by jarvies. The Act also empowered a garda to drive away an unattended hackney carriage and deposit it in a neighbouring livery stable. These provisions remain on the Statute Book.

The statute law revision unit is meanwhile in charge of producing codified statute law restatements, of which there have been four since the enabling Act was passed in 2002. Much work is needed in this area to restore a coherent framework to the legislation that we have passed since independence. If anyone interested in the process, be they layman or lawyer, is asked to identify the laws still in force governing the courts system, for example, they will quickly get lost.

The unit also compiles and publishes the indices to statutes which must be consulted to ascertain what legislation is in operation and what has been amended by subsequent enactments. These indices are not available until the end of the year following the year of enactment. This task of revision, restatement, consolidation and repeal of what is by now 770 years of legislation is entrusted to a staff of two. According to the website the permanent resources of the SLRU comprise a director at assistant secretary grade and a deputy director at assistant principal grade. With the best will in the world it is difficult to see how a unit with such meagre resources can deliver on the commitments set in the Office of the Attorney General's revised action plan which was published earlier this year.

The same two-person unit plans to devise a comprehensive database of all pre-1922 public general legislation. Work was due to commence in April 2005. The database will provide a template for future statute law revision and will be electronically accessible by the end of 2005. That should not be as difficult as it sounds as the bulk of the work has already been done in Northern

Ireland where an on-line version of the complete Statute Book has been available for some years. When one considers that both jurisdictions shared an identical Statute Book until 1922, one wonders why formal co-operation in this area was not identified as an obvious area for North-South co-operation.

The statute law revision unit has stated that arising from the continued study of pre-1922 legislation, it is anticipated that a further revision Bill may be required to repeal a considerable number of additional Acts. An assessment is also being undertaken on the possibility of publishing by the end of 2005 a new type of revision Act which would depart from the normal statute law revision mechanism of repeal which is essentially negative. This Bill would positively list all remaining legislation to give clarity to citizens and legal professionals as to precisely what pre-1922 legislation remains in force. It is not until that programme has been completed that the final stage will be embarked on. The Government envisages that a programme of re-enactment and repeal of remaining pre-1922 legislation would be subsequently commenced on a Department by Department basis.

There are those who would argue that delivering better government must mean getting by with less government, less bureaucracy and less regulation. If that is the case, however, one must hire more than two officials to go about the job of identifying the rules which one wants to appeal. The 1999 report made the following comment:

It is time consuming and demanding of resources, both political and administrative, to consolidate primary legislation. However, the consolidation of regulations is relatively straightforward. In view of this as a general rule, where new regulations are being promulgated, existing regulations in the same area should be consolidated.

Needless to say, that recommendation has also been consistently ignored.

The Labour Party welcomes this Bill. We will give it constructive consideration on Second Stage and on Committee Stage, but as the authors of the Bill might say, "some done, and much more to do."

Mr. Neville: Our coffee will be polluted.

Mr. Boyle: This legislative pruning is necessary and will not be opposed by the Green Party. While we have the opportunity to debate the Bill, we should at least take that opportunity to examine what we are consigning to history. Among the legislation we bid *adieu* to once this Bill is passed is that which deals with the Magna Carta and the Habeas Corpus Act 1679. I can only presume that Irish common law has already subsumed many of

these principles and now that we have a constitutional republic, we have stated rights for our citizens. The fact that this legislation will no longer be on the Irish Statute Book should at least be noted.

Many of these Bills are historical curiosities. I note the Restitution of the Earl of Kildare Bill 1495. If we ever cease to be a constitutional republic and we introduce legislation for the restitution of the Earl of Cork, I might be prepared to make a false claim to that title, even though I am not related to that particular Boyle family.

We have to wonder why much of this legislation ever referred to Ireland, such as the Union with Scotland Act 1706. I presume that we did not care then and care even less now about the precedence of Princess Sophia in 1711. This is all part of the necessary pruning process on which the Government has embarked and will receive full co-operation from the Opposition.

There are some Acts that could be re-introduced, given modern circumstances. It would be interesting to see if they form part of the legislative programme of this or subsequent Governments. The Adulteration of Coffee Act 1718 might have seemed an irrelevance in tea drinking Ireland, but given the latte and cappuccino sensibility we seem to have acquired since the coming of the Celtic tiger, there might be a renewed demand for legislation covering this important area. The Flax and Hemp Seed Act 1810 refers to Ireland. In recent centuries, hemp has got a very bad press, as it has a side effect as a narcotic. However, it is also a durable fabric and at one stage was a mainstay of Irish agriculture. It may yet in the future, given changes in the Common Agricultural Policy, be an alternative replacement product for many Irish farmers.

Has the Minister for Justice, Equality and Law Reform been consulted regarding the Pillory Abolition Act 1816? As an adept user of verbal pillorying, he might regret that this Act is being struck off our own Statute Book. Indeed, he might be encouraged to insert a provision into the Criminal Justice Bill 2005, currently before the House, which re-introduces pillorying. I would not put it past the man.

Ms F. O'Malley: I am sure he is well protected.

Mr. Boyle: I would not be surprised with any idea he comes up with. Not only is the language content of these Bills offensive to modern vernacular, but the titles of some of them are also quite surprising. The Inferior Courts Officers Act 1858 applies to Ireland, but that is no way to refer to the Judiciary, although there are Members in this House who would be tempted to use that type of language. There are Acts referring to dangerous performances, while one of the later Acts deals with the removal of sex disqualification. Given the confusion that the titles of these

[Mr. Boyle.]

Acts would cause in the public mind, it would be a good day's work for the Oireachtas to remove these ambiguities.

There is other interesting legislation that has important historical resonance. There are references to the National School Teachers Residences Act 1875 and other legislation that deals with the development of education in the 19th century. One of the later Bills to come before the British Parliament was a Dublin Reconstruction (Emergency Provision) Act 1916. Without knowing its contents, it can only be presumed it was some type of appropriation Bill to pay for whatever structural damage was caused in Dublin as a result of the 1916 Rising. It is something worth mentioning in the course of this debate if we are consigning it to history today.

The pre-1922 legislation that will remain on the Statute Book once this Bill becomes an Act is important. What are the Government's plans to introduce new or consolidation legislation in such areas? The Minister of State mentioned in particular the Sale of Goods Act 1893, which is still cornerstone legislation for consumers. We now live in an even greater age of consumerism and the Sale of Goods Act 1893 has been followed by new legislation dealing with consumer issues. That Act and all subsequent consumer legislation should be consolidated. I regret to say it is not a priority in this Government's legislative programme. My party has advocated the creation of a department of consumer affairs to deal with the more wide ranging issues of this legislation. The creation of such a Cabinet post would be justified.

The previous reservation aside, the Green Party wholeheartedly supports the principle behind this Bill. It is not seeking to amend any of the legislation that has been listed in the Schedule for deletion and removal from the Statute Book. We look forward to the expeditious passage of the Bill through the House.

Caoimhghín Ó Caoláin: In looking at the 90 Acts that are to be repealed by this Bill, I was struck by a number of them. I have no doubt that the media and the Government press office would take particular interest in the Spinners Act 1733, given the amount of spinning that goes on in Leinster House. In the main, it emanates from the Government benches, although I daresay all Members, irrespective of their political representation—

Ms F. O'Malley: That must be a first for Sinn Féin.

Caoimhghín Ó Caoláin: —feel more spinned against than spinning, with the honourable exception of Deputy Fiona O'Malley.

Undoubtedly, Deputy O'Malley's colleague, the Minister for Justice, Equality and Law

Reform, Deputy McDowell, will have noted that the Pillory Abolition Act 1816 is being repealed. However, before he becomes overly enthused, this does not mean that the pillory is returning. Undoubtedly, he has a long list of people who he would like to see placed in the stocks. On the contrary, I hope he finds himself in a difficult situation in another sphere.

The Acts make interesting reading and several of them refer to mining. Given recent news items, it is appropriate to note that for centuries, what can only be described as robber barons came here from the neighbouring island and stole our natural resources. Sadly, we are witnessing a native Government give away our natural resources to another breed of baronial grabbers for nothing and without any return. I speak of the Corrib gas field. The actions in respect of that deal are comparable to the actions of the Members of the College Green Parliament, some of whom sold their country out. Some of them, having accepted bribes from the British Government, voted in the Act of Union. As Deputy Boyle has observed, one cannot let the moment pass without noting that the Act of Union itself is mentioned in this Bill.

Yesterday, I happened to pick up one of Fianna Fáil's popular publications. I noticed that the Minister of State at the Department of the Taoiseach, Deputy Kitt, takes a good colour photograph. He must have influence within his party because he appeared on several pages. I refer to Fianna Fáil's new paper, which bears the masthead, *The Nation*.

What complemented the humorous aspect of this Bill and what I was taken by was the headline on page seven which referred to the "end of empire's laws". This was stirring stuff. The associated article informed us that the Taoiseach had outlined his strategy for removing the legacy of 800 years of foreign unrepresentative Government.

Mr. F. McGrath: Hear, hear.

Caoimhghín Ó Caoláin: Did Deputy Fiona O'Malley get a copy? Does Fianna Fáil share the paper with its coalition partners? The Taoiseach was going to sweep away the remnants of the empire. This was great stuff. I had expected to read this in *An Phoblacht* some day, but it appeared that Fianna Fáil had beaten us to it.

Mr. F. McGrath: I may join Fianna Fáil yet.

Caoimhghín Ó Caoláin: The Taoiseach went on to state that "ancient laws passed by foreign Parliaments in the name of the British monarchy have no place in our modern democracy". This was surely a trumpet call to the nation and one could hardly read on. I believed, from the way it was written and the enthusiasm of the language

used that without our knowledge, in its negotiations and contacts with the British Government, the Fianna Fáil party had at long last negotiated a British withdrawal from the remainder of this island they have yet to leave and that the Act of Union, to which I referred, had at last been repealed *in toto*. Alas no, the article was about this legislation over which the Minister of State is presiding.

I hope Deputies will remember that while scrapping redundant pre-1922 legislation in this State is welcome, as I noted earlier, part of our country is still within the jurisdiction of the same foreign monarchy referred to in the *Fianna Fáil* newspaper, as was the whole island before 1922. Contrary to myth, this is not simply symbolic. It is important to point out that citizens under British jurisdiction do not have the protection of a written constitution. The arbitrary power of the monarch has devolved not to Parliament but to the Queen's ministers, and the British Government can supersede Parliament by means of orders in council. The Minister of State and the Members present need no reminder that it has done so many times in respect of Ireland. While there are amusing aspects to this Bill, I must state that as a Border resident and an Irish republican, it has serious aspects.

The last legislation contained in the Schedule is the Treaties of Washington Act 1922. I was curious about it and asked a colleague to research its origins. In the light of events, some as recent as yesterday, it makes for interesting and tragic reading. The Washington treaties were signed in the wake of the First World War by the British Empire, as it was probably then described, France, Italy and Japan. The treaties regulated naval warfare and the treatment of neutral countries and banned the use of poisonous gas and chemicals. As with many such treaties signed by imperial powers, they were broken before the ink was dry on the paper. In 1922, while the British Government fomented civil war here in Ireland with the Black and Tans, it waged wars of terror on subject peoples in Asia. I refer specifically to Mesopotamia which, broadly speaking, corresponds to modern Iraq.

Imperial powers are again aping the situation that then applied and Iraq today is suffering the disastrous consequences of the approach employed. This in no way gives any credence or merit to either Saddam Hussein or the regime he imposed on his people. I reject them both. However, it is appropriate to take this opportunity to join other Members in expressing my concern for Rory Carroll and my solidarity with his family at this distressful time. I hope that the next breaking news bulletins will feature Rory Carroll's safe and early release by his captors. That is the wish of all Members.

This Bill is a small step towards tidying up the Statute Book. The Government has spoken of

codifying laws, but our laws are far from being codified. I believe this point was made earlier by another Deputy. They are not easily accessible and, like most of the justice system, they are a closed book to most citizens. In recent days, we have seen examples of how some of the legal profession's elite have abused their position of privilege and, allegedly, are allowed to double-charge citizens who were victims of abuse. This is a dreadful practice. Fortunately, the issue has been adequately addressed by now and I hope it will be redressed speedily.

This practice and protected profession is another legacy of our oppressed past with which we must grapple and dispense. While we are getting rid of laws dating from the 18th century and much earlier, it is long past the time to get rid of the 18th century hangovers that still haunt our courts and their practices. No case exists to defend the continued use of the gown and wig approach which gives the sense that the law is above the people. It puts it on a different plane. The law must be and is of the people. It is made and passed by Members, acting as parliamentarians and legislators, who are representative of the people. It is time to hang up the surviving trappings and put them away in mothball boxes. Civil law should exist to serve the citizenry and the State. A recent report published by the Free Legal Aid Centres in July stated:

This FLAC report demonstrates that after 25 years of State legal aid, the scheme has failed to achieve its stated goals. Despite the ongoing commitment and dedication of staff and board members, it neither provides the necessary service nor ensures that it is delivered to all those entitled to it.

Excluding a specialised service provided by the Refugee Legal Service, the Legal Aid Board employs a total of 89 solicitors to deliver the entire civil legal aid scheme in 30 law centres throughout Ireland. This is less than the number employed in some large legal firms in Dublin. Small wonder then that waiting lists for civil legal aid in many centres have been extremely lengthy, leaving people without any legal assistance for as long as two years in some locations.

This is a very disturbing statement and we cannot divorce that reflection on the reality of today from the purpose and intent of this particular Bill. We must examine legislation since 1922, the codifying of our laws, how complicated access is for citizens and how the least well off in our society can properly avail of equal access and equal rights within and before the law.

While I acknowledge that we have come a long way in terms of human and civil rights since the laws to be repealed by this Bill were first enacted, the statement from FLAC only underscores the fact that we still have a long way to go.

[Caoimhghín Ó Caoláin.]

Fianna Fáil's *The Nation* is very entertaining reading and I look forward to edition number three. I am happy to report that I will support the Bill.

Mr. Kitt: I thank the Deputy.

Mr. F. McGrath: I welcome this opportunity to speak on the Statute Law Revision (Pre-1922) Bill 2004. It is refreshing to deal with a Bill that provides for the repeal of 219 Acts that predate the foundation of the State. It is an opportunity to reflect on legislation and assess our work as legislators in this House.

There is much cynicism about politicians, which is egged on by sections of our media that see us all as fair game. The reality is that the vast majority of the Members of the Dáil work long, hard hours and try to do our best as legislators. Most citizens know this and it is time for sections of the media to stop degrading our work and, more seriously, misleading our people on this important political issue. It makes my blood boil when I hear announcements on "Morning Ireland" to the effect that the Deputies are back after three months holidays when the people involved know we have been in our offices and constituencies during the summer. We need fair and balanced reporting and our citizens deserve to know the truth.

I raise this issue today while we are discussing the matter of laws in the country. Journalists and members of the media should never be embedded with political parties and should always retain their integrity and independence. Sadly, this is not the case in Ireland and all democrats in this House should be brave and stand up for openness and honest reporting. I address these comments to many of the political correspondents around the House as we need openness, honesty and integrity in journalism.

While I speak on this issue, I will mention the sad and tragic case of Mr. Rory Carroll, who was kidnapped in Iraq in the past 24 hours. On behalf of the Independent group, I wish to express my support for and solidarity with his family and I ask that the Minister for Foreign Affairs and the personnel involved in the case do their best to ensure he is safely returned home to his family and friends. We can never allow a situation where someone reporting on a conflict is sucked into it and treated as part of the problem to continue. In the interests of human rights and an Irish citizen, I urge all people directly involved in the case to work very hard to seek his release.

This Bill provides for the repeal of 219 Acts that predate the foundation of the State, statutes enacted before 6 December 1922 that are no longer in force. The Bill deals only with the primary legislation from the years prior to our independence and its primary concern is the laws

passed by a number of parliaments that had authority over Ireland for a period of eight centuries. When examining this aspect of the debate, we should reflect on and never forget that situation, nor should we forget the people who are in a similar situation in Northern Ireland. This island experienced significant oppression and injustice for a long time but many people in this House seem to want to bury their heads in the sand when trying to resolve the Northern Ireland conflict.

It may not be fashionable or politically correct but I will voice my support for Fr. Alec Reid due to his magnificent work in developing the peace process over recent years and reject the recent attacks on him. Regardless of his comments, he is a man of integrity, ability and peace. All sides directly involved in the peace process should recognise this and should not hang him out to dry after recent comments. The debate in the hall that night was fiery. We, like others, can lose our cool in such debates and situations. We should not be lectured by people who have records of sectarianism, namely, Mr. Ian Paisley Jnr. and Mr. Jeffrey Donaldson, who should look inside their own hearts. All sides of the conflict have performed disastrous and terrible acts and this recognition is the direction in which we should go if we are to discuss the peace process.

I mention this issue in today's debate because plans are being developed by the Office of the Attorney General to ensure that secondary legislation is also dealt with in due course. The general body of legislation enacted by the Parliament of the former United Kingdom of Great Britain and Ireland was continued in force by Article 73 of the Constitution of Saorstát Éireann and Article 50 of the Constitution of Ireland. Pre-1922 legislation is still effective in Ireland and, therefore, spans as far back as 1200, which I did not realise until I began researching the matter.

The statutes covered by this Bill fall into a number of categories. There are Irish statutes passed before the union with Britain, which were laws passed by various parliaments sitting in Ireland between 1200 and 1800. These make for interesting reading and offer an opportunity to reflect on our history. This is an opportunity to stand up as an independent nation on the international stage, align ourselves with other former colonies around the world that have histories like ours and work for international peace and justice. There are English statutes passed before 1495, most of which were applied to Ireland by virtue of Poyning's Law in 1494, and English statutes passed between 1495 and 1707 that were also applied to Ireland.

This is an opportunity to challenge revisionists in this country, be they in academia, the media or this House, because we have a history of colonialism and being oppressed. We should not be ashamed to say this was the reality, even as it is

the reality for many people living in Northern Ireland at present. We should not be afraid to stand up and defend the interests of the northern minority in particular. I was saddened in recent weeks when, after horrific sectarian attacks, the voices of most of the parties in this House were silent.

The fourth category of the Bill covers statutes that were passed by Westminster Parliament after the union of England and Scotland in 1707 but before the union of Britain and Ireland in 1800 and, finally, it covers Acts of the former United Kingdom of Great Britain and Ireland that applied to Ireland and were passed after the Act of Union 1800 but before the establishment of Saorstát Éireann in 1922.

The Bill, which I will support, is intended to help streamline the Statute Book and forms part of the Government's overall commitment to better regulation and regulatory reform. Everyone in the House will support that commitment. Repealing outdated legislation ensures the Statute Book is kept up to date and provides for increased clarity and accessibility of primary legislation. This approach is in keeping with good practice on management of the regulatory framework.

I recently attended a celebration in Collins Barracks for soldiers who served with the United Nations. I wish to raise the case of Mr. Thomas Kenny and Mr. Joseph Fitzpatrick, the two Irish soldiers who survived the notorious Niemba massacre in the Congo in November 1960. Their case is important to citizens of this State and their commitment to international peace. I call on the Minister of State and the Government to give these men appropriate recognition. They were approximately 17 or 18 years of age at the time and ill-equipped to deal with a difficult conflict. Their role was not military, but peacekeeping. Out of the 11 members on patrol that day, only those two men survived the ambush, but they have horrific memories. It is important that people who served with the United Nations should be honoured and given appropriate recognition. I ask the Minister for Defence, Deputy O'Dea, to open his heart and act on behalf of Mr. Kenny and Mr. Fitzpatrick.

We need fair and just laws. It is important that laws have the respect of the people but these laws in turn must respect human rights. When we examine the history of legislation it is important that we reflect on the ethos of Wolfe Tone and his philosophy of Catholic, Protestant and Dissenter. We should acknowledge and reflect on his great work and vision. I was interested to hear the Minister of State, Deputy Kitt, pointing out to the House the difference between law reform and law revision, and I agree with him:

Law reform is concerned with the substantive nature of the law — it changes the effective rights and duties which apply in our society.

Law revision does not change the substantive law — it merely sweeps away those laws which no longer have any substantive effect. It is the process of removing legislation that has lost any modern purpose from the Statute Book.

I welcome this debate as an opportunity to discuss our laws, defend most legislators who do a day's work for a day's pay and silence many of the cynics who speak against the legislators in this House who do a great deal of difficult work.

Ms F. O'Malley: I compliment my constituency colleague, Deputy Gilmore, on his contribution. It is a delight to share a constituency with someone who will always inform and teach one about the legislation being discussed. We all learned from his thorough research on this Bill and the constructive contribution he made on how we might move forward having regard to the experience in the North of Ireland as it consolidated its laws. His contribution was particularly engaging.

It is a pleasure to speak on this historic document. Deputies referred to legislation from the time of the Magna Carta to the Act of Union that will no longer be included in the Irish Statute Book when this Bill is passed. This discussion provided Members with an opportunity to speak on many and varied subjects, not only on the Bill but on any other subject he or she felt the need to discuss.

Towards the end of this speech, Deputy Gilmore suggested the law consolidation unit in the Attorney General's office might not be well-enough resourced. However, it has demonstrated that it has managed admirably. Since the introduction of the Bill before which it had dealt with 90 Acts, it deals with 219 Acts. That shows the unit is adequately resourced, and demonstrates the thorough and good work it does. The Minister of State, Deputy Kitt, mentioned that further repeals might be necessary and that now is not the time to repeal certain laws. That also demonstrates the thoroughness of the task undertaken by the legislation revision unit. I welcome that.

A positive reflection on this Government is that in looking at the various Acts being dealt with by this Bill, we see that it is an historical document and we see how dynamic the process of law-making is. The Minister very generously furnished us with information on the detail of each of the laws. When one looks at the titles it causes us to think. Our primary task as parliamentarians is to legislate and draft law. We must be extremely careful of the transient nature of that law.

My point about the Constitution is that at least we have a written document. It reflects the era of its construction, 1930s Ireland. This and previous Governments have indicated that this is the case, that the Constitution should be under constant review. I welcome the fact that we have an Oireachtas committee that examines the Consti-

[Ms F. O'Malley.]

tution and recognises the need for change within it. I find it an offensive document in terms of the status of women. I do not mind using that term. We have already commented on how one would not get away with using the traditional language found in old legislation. We must ensure that a document as important to us as is the Constitution does not cause offence. There is still a great deal of work to be done on regulatory reform.

I will not speak for long. I strongly support the Bill and appreciate Government's commitment to better regulation. This Bill considers Acts passed up to 1922 and it is understandable that it stops there because a broad remit exists between 1200 and 1922. I hope Acts passed in the years since 1922 will be considered in the future as we need to continue this process. It is important to make laws as easy to read and as uncomplicated as possible. The Minister of State made the point that if people are to be subject to the law they must reasonably be expected to have access to the law. One cannot get copies of some legislation to which we are still subject and that is not good enough.

I add the caveat that, as has been pointed out to many people, it is not a defence to argue unfamiliarity with the law. I applaud the work done by the section within the
3 o'clock Attorney General's office. I look forward to see what other Bills will be repealed. I encourage the Government to keep this under active consideration. It is important to create laws relevant to people and the Statute Book contains such laws. For that reason, I hope we continue moving from 1922 to the current date.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I thank Deputies for their comments. It has been a constructive debate. I agree with the sentiments expressed that this work is important even though it will not rate headlines in the media. It is important for the law to be updated and that it is accessible. Again, I commend those who have been working diligently behind the scenes. It is important that this work is continued post-1922 as well. I commend this Bill to the House.

Question put and agreed to.

Statute Law Revision (Pre-1922) Bill 2004

[Seanad]: Referral to Select Committee.

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

That the Bill be referred to the Select Committee on Finance and Public Service, in accordance with Standing Order 120(1) and

paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Parental Leave (Amendment) Bill 2004

[Seanad]: Second Stage.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I move: "That the Bill be now read a Second Time".

The Parental Leave (Amendment) Bill 2004 amends the Parental Leave Act 1998 to implement a Government commitment in the Sustaining Progress social partnership agreement. This commitment is to strengthen the parental leave scheme in line with the agreed recommendations of the social partners arising from the working group on the review and improvement of the Parental Leave Act 1998.

The EU parental leave directive was transposed into Irish law by the Parental Leave Act which came into force almost seven years ago on 3 December 1998. The principal objectives of the directive, which was adopted in June 1996, are the reconciliation of work and family life and the promotion of equal opportunities and treatment in employment between men and women. The directive incorporates and implements a framework agreement negotiated between the social partners at EU level. While the framework agreement set the broad parameters for parental leave, much of the detailed arrangements were left to the discretion and interpretation of individual member states. So long as the minimum requirements of the directive are met, it is left to member states to determine issues such as whether the leave is paid or unpaid, what pattern of leave is to be allowed, the maximum age of the child and matters relating to social security.

The directive provides that a minimum of three months leave should be available to men and women workers until a child reaches a given age up to eight years, to be defined by member states. It also provides that the leave should be non-transferable between parents. Employees who avail of parental leave must be guaranteed a right to return to work and protected against dismissal. Parental leave is distinct from maternity leave, which is available as a statutory right to mothers consequent on pregnancy and childbirth, and paternity leave which is not a statutory entitlement but which many employers grant to fathers at the time a child is born.

In addition to providing for parental leave, the directive provides that workers must be given the right to *force majeure* leave. *Force majeure* leave is time off which is necessary for urgent reasons owing to the injury or illness of an immediate family member. Such leave is only available in circumstances where the presence of the

employee is required at the place where the family member is ill or injured.

The Parental Leave Act 1998 provides an individual and non-transferable entitlement to each parent of 14 weeks unpaid leave from work per child. The leave is solely for the purpose of caring for the child and must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The Act also provides an entitlement to limited paid *force majeure* leave.

In accordance with section 28 of the Parental Leave Act 1998 and a Government commitment in the Programme for Prosperity and Fairness, a working group was established in 2001 to review the operation of the Act. The working group was chaired by my Department and comprised representatives from other Departments and agencies as well as the social partners.

The report of the working group was published in April 2002 and is available on the Department's website. Also included in the report are summaries of research commissioned by the working group on uptake of parental and *force majeure* leave and on an attitudinal survey of employees, employers and trade union representatives. The working group identified 18 issues for consideration in the course of the review. These included paid parental leave, paternity leave, the duration and manner in which parental leave may be taken, age limits, broadening the entitlement and several issues around *force majeure* leave. The group reached consensus on a number of these issues and made ten recommendations. The more important of these were to increase the maximum age limit of an eligible child, to broaden the entitlement to include persons acting *in loco parentis* of an eligible child, to introduce a statutory entitlement to take the 14 week parental leave in separate blocks of a minimum of six continuous weeks each and to allow an employee, who is unable to care for the child, on becoming ill — while on or about to commence parental leave — to suspend the period of leave.

The 2002 An Agreed Programme for Government included a commitment to improve the parental leave scheme in line with the recommendations of the social partners. This commitment was further developed in the context of the 2003-05 Sustaining Progress partnership agreement whereby the agreed parental leave package of recommendations made by the working group was incorporated into a series of workplace legislation, codes and programmes to be implemented during the course of the agreement.

Implementation of the majority of the agreed recommendations of the working group requires the amendment of the existing legislation. These amendments will be implemented through the enactment of this Bill. I want to take a few minutes to outline some of the key elements of the Bill.

As I mentioned earlier, the existing scheme provides that parental leave is available until a child's fifth birthday. In the context of its review of the Act, the working group agreed on raising the upper age limit to six years. This was further improved upon in the course of the Sustaining Progress negotiations where the social partners and the Government agreed to raise the upper age limit to eight years. The extension of the maximum age limit of an eligible child to eight years is provided for in section 2 of the Bill and will offer working parents a longer timeframe within which the leave might be taken. Section 2 includes a new provision to increase the maximum age limit to 16 years in the case of a child with a disability.

The Bill implements the working group's recommendation to extend the parental leave entitlement to persons *in loco parentis* of an eligible child. Many children in Irish society are effectively cared for by persons not their natural parents. A number of categories of persons who actively parent are not entitled to parental leave under the existing legislation. These include long-term foster parents, a partner of the natural parent of a child — where the natural parent may be divorced or separated and has formed a new relationship through remarriage or otherwise — and other persons *in loco parentis*. The Bill also provides for the extension of the parental leave entitlement to adopting parents. Under the existing legislation parental leave is available to adoptive parents, that is, where an adoption order has been made and is in force. However, this excludes adopting parents who have a child placed in their care but in whose favour an adoption order has not yet been made.

Many months may elapse between placement and adoption during which time an adopting parent is not entitled to parental leave. During this critical early period time off work for bonding with the adopted child may be most required. This anomaly is addressed in section 2 of the Bill. The inclusion of adopting parents also brings the parental leave provisions into line with the adoptive leave legislation which grants adoptive leave from the date of placement rather than from the date the adoption order is made.

The Bill also provides employees with a new entitlement to choose to take parental leave in two separate blocks, each consisting of a minimum of six continuous weeks. The two block entitlement is particularly important because it will allow parents to opt to use their parental leave to care for children during the long school break over several summers. This will improve the position for many employees who are limited at present by their employers to availing of their statutory parental leave entitlement in a single 14 week block. It will still be possible for an employee to avail of the leave in shorter periods of weeks, days or even hours over an extended

[Mr. Fahey.]

period if the employer agrees and, in many instances, particularly in the public sector, a large degree of such flexibility is already on offer from employers.

As I noted, the purpose of both the parental leave directive and Parental Leave Act 1998 is to enable men and women workers to take time off work to take care of their children. As matters stand, however, no express provision is made in either the directive or Act to deal with a circumstance in which an employee on parental leave becomes ill and is unable to continue to care for his or her children. The working group was of the view that where a parent on parental leave becomes unable to care for a child on account of illness, it may reasonably be concluded that the parent is unable to avail of the parental leave entitlement and should be able to benefit from sick leave for the duration of the illness.

Legal advice concluded that a legislative amendment was required to clarify the position regarding the effect of sick leave on the parental leave entitlement. The working group recommended the amendment of the Act in accordance with the legal advice received. This amendment is provided for in section 5, which provides that an employee who falls ill when about to commence or while on parental leave and, as a result, is unable to care for the child may postpone or suspend the parental leave for the duration of the illness following which period the parental leave recommences. Once the leave is postponed or suspended, the employee's absence from work is treated in the same manner as any other absence from work due to sickness and the employee may benefit from whatever sick leave arrangements are available under his or her contract of employment, including sick pay or disability benefit.

I will now address the specific provisions of the Bill. Section 1 is a standard interpretation section. As I indicated, section 2 implements three recommendations of the working group by providing for an increase in the maximum age limit of an eligible child from five years to eight years, making a new provision to increase the age limit to 16 years in the case of a child with a disability and extending the parental leave entitlement to persons *in loco parentis* and adopting parents of an eligible child. New definitions are provided in this section including "adopting parent", "disability" and "relevant parent". These definitions are required to take account of the extension of the parental leave entitlement under this section.

Section 3, to which I referred, provides employees with an additional alternative entitlement in section 7 of the principal Act to take parental leave in separate blocks. Each block must consist of a minimum of six continuous weeks at not less than a ten week interval unless the employer and employee agree to a shorter interval.

Section 4 amends section 8 of the principal Act to provide for consequential amendments to the notification requirements of the Act. These arise from the new provisions in the Bill to extend the parental leave entitlement to persons *in loco parentis* and adopting parents and take parental leave in separate blocks. Provision for an employee to postpone or suspend the parental leave for the duration of a period of sickness is made in section 5.

Section 6 amends and extends section 11 of the principal Act to provide for consequential amendments to the postponement provisions arising from new provisions in sections 2 and 4.

Section 7 provides for an amendment to section 15(1)(c) of the principal Act for consistency with similar provisions in the Maternity Protection (Amendment) Act 2004 and Adoptive Leave Bill 2004. Both the Maternity Protection (Amendment) Act and Adoptive Leave Bill contain provisions necessary to comply with Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women in access to employment, vocational training and promotion and, working conditions. These provisions provide that on return to work on the expiration of a period of maternity, adoptive or parental leave, an employee is entitled to return to the same job with the same contract of employment on terms and conditions which are no less favourable and to benefit from any improvement in working conditions to which the employee would have been entitled had he or she not been absent from work.

Section 8 applies another element of the 2002 directive to section 16(2) of the principal Act. This section provides that in the event that it is not practicable for an employee who is entitled to return to work following parental leave to resume the same work and suitable alternative work is offered, the employee is entitled to return to an equivalent post on terms and conditions which are no less favourable and to benefit from any improvement in working conditions to which he or she would have been entitled had he or she not been absent from work.

Provision is made in section 9 for the protection of employees from penalisation by way of dismissal, unfair treatment or unfavourable change in their conditions of employment for proposing to exercise or having exercised an entitlement to parental leave or *force majeure* leave.

Section 10 makes provision to empower the Equality Authority to prepare statutory codes of practice on parental and *force majeure* leave for the approval of the Minister for Justice, Equality and Law Reform. The statutory code will be admissible in evidence in any proceedings before a court, the Employment Appeals Tribunal or a rights commissioner. Any provision of the code which appears to the court, body or officer concerned to be relevant to any question arising in

the proceedings shall be taken into account in determining that question. Section 11 contains standard provisions dealing with the Short Title and citation provisions.

The Bill has attracted critical comment for not making provision for paid parental leave. As I indicated, the commitment made by the Government in Sustaining Progress is to implement the changes to the parental leave scheme agreed by the social partners. The arguments both for and against paid parental leave are strong and the merits of each in terms of employment and growth were enunciated in some depth in the report of the working group. In the absence of social partnership consensus on the question of paid parental leave, the Government is not prepared to propose legislative change which one side of social partnership cannot accept.

The social partnership approach has already resulted in a number of significant developments, through statutory and non-statutory initiatives, in improving work-life balance options for employees. It is now widely recognised that the work-life balance agenda cannot be progressed satisfactorily either at international or national level without the inclusion of the social partners and real change will not and cannot be effected without them. It must be acknowledged that progression of the work-life balance agenda can only be successfully achieved through striking the delicate balance between improving on existing measures at the level of enterprise while remaining economically competitive. It is vital, therefore, that we create and maintain the economic conditions which will ensure quality employment opportunities and that we do not introduce new initiatives without taking cognisance of their effect on our competitiveness in the short and long term.

Given our acknowledged success in building and maintaining a strong economy in recent years, it would be unwise and damaging to the integrity of the partnership process to introduce a measure such as paid parental leave without the full agreement of all the stakeholders involved. In the final analysis advancing the work-life balance agenda presents a complex set of challenges for policy makers, for the Legislature and for employers and employees. The reality is that these challenges, both social and economic, do not necessarily dovetail into situations acceptable to all stakeholders.

Critics of the Bill have compared the parental leave scheme here with provisions in other EU member states. Parental leave is a relatively new concept in Ireland. The provisions of the Parental Leave Act 1988 came into effect seven years ago, while countries such as Sweden have had some form of parental leave since 1974. When comparing the parental leave provisions in Ireland with those available in Sweden and the other Nordic countries it also is important to take into account

the socioeconomic differences. Parental leave in the Nordic countries is part of a package of social welfare measures funded by high taxation. Rather than take this approach the Government has chosen, with outstanding results in terms of employment and growth, to implement a low tax regime with the result that working parents are well supported through our taxation and child benefit scheme.

Our legislative framework for parental leave provides the same opportunity for employees, both men and women, to avail of parental leave. It is a matter for every employed parent, male or female, to decide for himself or herself whether he or she wishes to avail of the entitlement depending on his or her individual and family circumstances.

The Parental Leave (Amendment) Bill 2004 is the third and final component of a significant package of statutory work-life balance measures to which the Government is committed under Sustaining Progress. Already the recommendations of the working group on the review and improvement of the maternity protection legislation have been implemented in full by the Maternity Protection Act 2004 which was commenced on 18 October last. Its provisions strengthen and enhance the statutory framework for pregnant mothers and women who have recently given birth and those who are breastfeeding.

Improvements to the adoptive leave legislation are also well advanced, as we saw here yesterday. The Adoptive Leave Bill 2004 amends the Adoptive Leave Act 1995 in order to implement several recommendations of relevance to adoptive leave made by the Maternity Protection Working Group. That Bill passed all Stages in the Seanad last year and I was pleased to have its passage through the Dáil completed yesterday.

The Parental Leave (Amendment) Bill 2004 fulfils the Government's comments in Sustaining Progress and the programme for Government to strengthen and improve the existing parental leave provision. I look forward to the Deputies' contribution and I commend the Bill to the House.

Mr. English: A day on, it is good to be back here with all the familiar faces to take on another Bill. This Bill might address some of the issues we did not achieve in yesterday's Bill.

We all are familiar with the nursery rhyme, which begins as follows:

There was an old woman who lived in a shoe,

She had so many children she didn't know
what to do. . .

For almost 200 years the women of this country sent Ireland's children to the four corners of the world when they were very young indeed because they did not have any choice, they did not know

[Mr. English.]

what to do. These children, and their children, went on to shape the modern world.

This Bill is about our children. It should be looked at from the child's point of view, not so much from the point of view of time off for a parent although that is what it entails. The time off concerned is mainly to do with the child and for the child's benefit. It is important that we look at it that way because too often we forget about children in legislation and we do not give them enough of a hearing. Young people are not getting enough of a fair deal and across every Department improvements in that regard must be made. That is what Bills like this are about, the fundamental needs of our children and their growing up so that they get the best chances in life.

The future of the State depends on the health and well-being of our children. Somewhere along the line this has been forgotten. Considering the facilities for young people, crèche facilities, the state of our schools etc., often children are not getting the attention they deserve.

Adults who see things from their own perspective have run this country over generations. From the time of the Famine until recently, those with influence did not do enough for the well-being of children. Since the 1920s up to the time of the last Fine Gael led Government, not much changed for our children. School, especially second level school, was seen as a luxury, not a necessity.

Through the hard work of previous generations of children Ireland now has the opportunity to bring to bear so much influence on the future of forthcoming generations, and specifically on the children. I accept in principle the idea that it is difficult to get a perfect balance between work and family life but that balance is unfairly and wrongly tipped towards the work in our lives. Often it is put down, not to people's choice but to necessity. It is just the way life is at present. Parents are forced to maintain a certain standard of living, which 30 years ago would have been considered extremely high but which, as expectations and the world have moved on, is no longer exceptional. With this there is the potential that the child will end up suffering, and will continue to suffer.

Parents need the right to take time off from work but at the same time not fall into a trap of poverty as a result. They should not need to go without their wages or without any money for three months, six weeks etc., if they want to spend time with their child. Increasing the quality time spent by parents with their children is proven to benefit the children and will benefit the State and save us money in the long run. People should not fall into the poverty trap or miss out on spending time with their children because they cannot afford to do so.

In Ireland the days where the mother went to the parent-teacher meeting while the father went to the pub are gone. Parental responsibilities now are based on needs rather than on gender. Legislation should follow suit. I am glad this Bill, unlike the most recent Bill we discussed, does so, with increasing numbers of fathers looking to stay at home for a given period to bond with and encourage their children during their most influential and vulnerable years.

With studies pointing towards the lack of one to one contact between parent and child, mainly in conversation and in reading, and this the possible cause of learning difficulties in later stages of life, a balance not at the expense of the future good upbringing of the child needs to be struck in industry, especially small industry. I mention small industry because employers must satisfy the parental leave rights and often it is most difficult in small businesses to get this entitlement and make it easier to take time off. That is an area at which we must look. In some cases larger businesses get better grants for the likes of child care and providing facilities, whereas it is really the small businesses that feel the pressure in this regard.

The Government's record on the broad area of child care has been less than satisfactory to date. I accept that modern times are tough but it is still not good enough. Having a child today could be the greatest joy in the world but, instead, under this Government many parents feel doing so is like a financial ball and chain tied around their leg which they must drag through the next 18 years. Parents are under a great deal of financial pressure when it comes to having children and we must do all we can to help them.

There are few child care facilities and there is insufficient health care back-up for children. For example, a sign in the hospital in my town of Navan practically states that no children need apply. In a modern town, serving a county which is rapidly growing and doubling in population, there is a hospital which a number of years ago withdrew paediatric services and has no intention of reinstating them. Our record of health services for children is withdrawing services needed to look after them.

With the strain to find school places — with the idea of free education being just that, an idea — and the constant threat of college fees hanging over parents' heads, who would want to be a parent? Yet parents want to have children, and want to have more, but they just cannot afford to have them.

We are told education is free but, as I said, that is only an idea because it is not really free. In addition to school books and uniforms, there always are those extra costs which amount to at least an extra €1,000 a year. This sum is just to keep one's child doing all the school activities which every other child does.

I renew previous calls for a dedicated Department for children. This is of the utmost importance in today's world as we plan for the future. Responsibility for children is left to a Minister of State, who is quite a capable man and a fine Minister of State but who does not have a voice at the Cabinet table. Children are left out of any major decision or consideration on legislation at the Cabinet table. This means the child is being left out in the dark. I hope the Parent Leave (Amendment) Bill 2004 does not leave the child out in the dark. Parental leave for both spouses is a basic step in reflecting the needs and wants of a modern family. Members have a duty to do what is right for families. While the Bill will not cure all the ills of the past it certainly is another small step in the right direction. It is only a small stepping stone because it does not go far enough. We could have gone much further with this Bill, but instead are just doing what we must do under the European directive. The Bill updates its 1998 namesake to implement some of the recommendations of the working group and improve it.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Paramilitary Activities.

1. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the extent of criminal activity being engaged in by paramilitaries or former paramilitaries; his further views of the numbers involved; the activity involved and the measures proposed by him to deal with these activities; and if he will make a statement on the matter. [29915/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish and British Governments yesterday jointly published the seventh report of the Independent Monitoring Commission on the continuing activities of paramilitary groups, pursuant to Articles 4 and 7 of the international agreement establishing the IMC.

The report focuses primarily on the six month period from 1 March to 31 August. Consequently, it deals with a period encompassing the five months preceding the major statement by the Provisional IRA on 28 July and just one month following this potentially significant development. It was not until 26 September last that the Independent International Commission on Decommissioning, the De Chastelain commission, reported on the decommissioning of Provisional IRA weapons, which constituted a major

step in giving effect to the Provisionals' statement in July.

On account of these time frames, the IMC states that the assessment it can make of the effect of the Provisional IRA statement is rather limited. However, it goes on to affirm that the matter will be addressed further in its subsequent reports to the two Governments, the next to be submitted in January 2006. The Governments will be in a much better position, at that stage, to come to firm conclusions as to the criminal activities of the IRA. The onus is, of course, on the Provisional movement to cease completely from engagement in all forms of criminal activity of the kind for which it has been notorious — including violence, intimidation, robbery, fraud, kidnapping and smuggling. The House will be aware, for example, the Garda Síochána has publicly confirmed the link between the Provisional IRA money laundering operation uncovered earlier this year and the proceeds of the Northern Bank robbery.

In its seventh report the IMC reports that initial signals from the Provisionals are encouraging. There is no evidence of training or recruitment by them after 28 July, for example. However, the IMC also states that there are indications that the organisation's intelligence function remains active, although its focus may be becoming more political. Moreover, the IMC states that it has no evidence that the Provisional IRA is generally allowing those it has exiled to return to Northern Ireland safely, should they wish to do so.

The IMC's seventh report states that the so-called dissident republican groups have continued to remain active, particularly the Real IRA and, intermittently, the Continuity IRA. The Real IRA continues to be characterised as a ruthless organisation committed to terrorism and crime. It continues to target on and off duty police officers, plant incendiary devices, remain involved in organised crime and engage in acts of intimidation and violence. In the latter regard, I am sure that the House will join with me in condemning the recent, brutal, savage and cowardly attack on the Deputy Chairman of the Northern Ireland Policing Board. I am pleased to say that Mr. Bradley is well on the road to recovery. When I saw the scar on his head in a newspaper photograph I realised a lethal attack with ferocious intent was unleashed on him. He is an extremely lucky man to survive it. I am sure he has the good wishes of all of us in this House for a full recovery.

The Continuity IRA continues to recruit and train members, and it also continues its efforts to improve its capacity to use explosives and weapons and to procure weapons. In the period under report, it was responsible for hoaxes and bombs and has continued to target on and off duty police officers.

[Mr. McDowell.]

Additional information not given on the floor of the House.

The IMC reports that although it is an organisation that intends to remain active, it is not coherently organised and there is some internal feuding. Nevertheless, it is believed to be dangerous and to be capable of mounting attacks, albeit perhaps not a sustained campaign.

The INLA, according to the IMC, remains extensively involved in organised crime. It continues to recruit and train new members, and it remains involved in shootings and assaults. Overall, the IMC concludes that there has been some increase in the INLA's use of violence, but that the level of activity is not high.

I have already put on the public record my views on the likely number of persons involved in certain paramilitary groups and I do not think it would be helpful to go beyond that. In this jurisdiction, the Garda Síochána remains actively engaged in countering the threat from these groups. In particular, strategic goal one of the Garda policing plan 2005 outlines the aim of reducing the terrorist threat of subversive and terrorist activity through intelligence-led policing and international co-operation. Significant Garda resources are devoted to realising this goal, involving the strategic deployment of both local and specialised operational Garda units to counter and frustrate the activities of the paramilitary groups.

For obvious reasons, it would not be appropriate for me to detail the kinds of operational measures in place. However, as a testament to their effectiveness, in this jurisdiction in the period under review by the IMC, five Real IRA members were convicted of membership on an unlawful organisation and two believed Continuity IRA members were convicted of unlawful possession of firearms.

I want to make it very clear that there will be no tolerance for any criminal activity by serving or former members of paramilitary organisations and that, irrespective of any other developments, the full resources of the State will continue to be expended in ensuring that the proceeds of their crimes are not enjoyed by them or their friends.

Mr. J. O'Keeffe: I thank the Minister for telling me about the IMC report but as he is probably aware, we have all read it. I remind him of my question. I asked for his views of the extent of criminal activity engaged in by paramilitary organisations. The Minister has not been slow in the past to indicate such views. I want to know his view now on the extent of IRA involvement in the areas of criminality in which they were clearly involved in the past. Is this activity continuing, for example, extortion, smuggling, intimidation and racketeering? If the Minister is of the view that this activity continues, does he consider it is auth-

orised by the leadership or acquiesced in by it or is it done on a free lance basis?

I move on from that to the question of the proceeds of such crime. The CAB has done great work from the point of view of recovery and I have no doubt it will continue that work. It has been openly acknowledged by the Minister and the Government that the Northern Bank raid was the work of the IRA. What is the situation with regard to the prosecution of those responsible for that and other such crimes? We have seen the IMC report. Will the Minister give us his view on the current situation with regard to paramilitary crimes.

Mr. McDowell: The Government has, since January of this year, consistently stated that the Northern Bank robbery was the work of the Provisional IRA. Subsequently, gardaí uncovered a Provisional IRA money-laundering operation dealing with what is now clearly established to be the proceeds of that crime in the Republic. There is an ongoing investigation of the individuals involved in that so I cannot say much more on that investigation as I must be wary of prejudicing the outcome, pending prosecutions and criminal investigations, by remarks I might make. I would, however, discount all the denials I have heard articulated publicly by members of Sinn Féin and the Provisional movement. This House would be well advised not to pay any attention to those denials.

I am unaware of any IRA sponsored criminal enterprise which has taken place since 28 July. I admit this frankly. While saying this, I stress that the IRA is an illegal, treasonable organisation, proscribed under the Offences Against the State Act 1939. It remains such and until it changes its constitution and rules and becomes a lawful organisation, membership of it and all its assets will be unlawful.

The matter of the proceeds of IRA crime covers a period of many years. We must remember these come not just from some of the more notorious crimes. We should also remember that several retail magnates were kidnapped by the IRA and that on one occasion a young garda lost his life in a rescue attempt. All the proceeds of crime, smuggling and robberies are forfeitable to the State. The CAB and the assets recovery agency will pursue those proceeds wherever and whenever they can find them whether in or outside the State. There is no question of a line being drawn across the page in respect of IRA crime proceeds.

Mr. J. O'Keeffe: The Minister mentioned to me an estimate of 1,500 people who had been active in the IRA. Does he believe they are all now on the straight and narrow? Some of the proceeds of crime seem to have been "diverted" — if I may use that word — into political activity. Is the

Minister concerned the diversion of such funds may continue into the coffers of the Sinn Féin party?

Mr. McDowell: My best estimate of the number of members of the IRA was between 1,100 and 1,500 persons. I have no doubt that some of them were capable of sadistic, thuggish and brutal activities in the past and may be tempted to repeat such actions in the future on their own account. The gravamen of the statement of 28 July is that they cannot adhere to that statement while engaging in any breaches of the law of any kind.

Mr. J. O’Keeffe: I also asked about Sinn Féin’s funding.

Mr. McDowell: I understand that Sinn Féin claims to have spent less than the Alliance Party on recent elections in Northern Ireland. Only a child would believe that, taking into account the evidence on the ground.

Garda Investigations.

2. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will establish under the Commission of Investigations Act 2004, an inquiry into the deaths of persons (details supplied); and if he will make a statement on the matter. [29917/05]

Mr. McDowell: I would like to express my sympathies again to the families of Terence Wheelock and Brian Rossiter on the untimely deaths of their sons.

I will speak firstly about the death of Terence Wheelock, who had been detained in Store Street Garda station. I have been informed by the Garda authorities that an officer from outside the division was appointed to investigate the incident immediately after it occurred. When he visited the scene on the day of Mr. Wheelock’s death, he arranged for a full technical examination to be conducted. I have received a preliminary report of the investigation and I have asked the Garda authorities to submit to me a full report on the outcome of their investigation when it has been completed. I will consider the report after it has been received. A completed investigation file will be submitted by the Garda authorities to the law officers for their consideration.

On 14 September last, I formally appointed Hugh Hartnett SC to hold a statutory inquiry into Brian Rossiter’s death under section 12 of the Dublin Police Act 1924. As the Minister responsible to the Government and the House for the Garda Síochána, I drew up the specific terms of reference of the inquiry following a comprehensive evaluation of all the information at my disposal. The inquiry will examine all the circumstances surrounding the late Brian Rossiter’s

arrest, treatment and detention in Clonmel Garda station in September 2002. Mr. Hartnett will report on his findings to me. It is my intention to publish that report. It is relevant to mention that Mr. Hartnett is an eminent senior counsel with considerable experience in the area of criminal law. He is, for relevant and practical purposes, vested with the same inquisitorial tools as a member of a commission of investigation would be. He has the power to summon witnesses, whether members of the Garda Síochána or otherwise; the power to take evidence on oath; and the power to make findings and reach conclusions. In such circumstances, I do not intend to propose to the Government that a separate statutory inquiry be established under the Commissions of Investigation Act 2004. Such a proposal would, at the very least, compromise the ongoing independent statutory process, which should be capable of the thorough and speedy investigation of the relevant facts in the Brian Rossiter case.

Mr. Costello: Is the Minister aware that Terence Wheelock’s family and their lawyer are in the District Court as we speak, seeking the return under the Police Property Act of Mr. Wheelock’s clothes and telephone, which were taken by the Garda without permission four and a half months ago? Mr. Wheelock’s family has been continually refused answers to some important questions. Who arrested Terence Wheelock? Who found him in the cell? Why was the cell totally refurbished after Mr. Wheelock’s family and their lawyer sought to see it but before they were given a chance to do so? Why has the pathologist’s report been kept from them? Is the Minister aware that the superintendent who was supposedly brought in “from outside the division” had served as a garda in Store Street Garda station for 15 years? Why was the superintendent in question, who is currently based in Dún Laoghaire but cannot be said to be “from outside the division” in any real sense, appointed to conduct the investigation? Why has his report not yet been made available, four and a half months after the death of Mr. Wheelock?

The pathologist’s report on the death of Brian Rossiter has been received. Can the Minister explain why the Department of Justice, Equality and Law Reform did not reply to the family of Brian Rossiter for a considerable period of time? The pathologist’s report indicates that Brian Rossiter died from head trauma, probably caused by his head contacting forcibly with a wall or a solid rough surface. It indicates that there was serious bruising to his eyes and other parts of his body, including his penis. The impression given to the State pathologist was that there were drugs and alcohol in Brian Rossiter’s body, but no drugs and alcohol were found in his body. The Minister said the inquiry that has been estab-

[Mr. Costello.]

lished under the Dublin Police Act 1924 is as good as any inquiry that would have been established under the Commissions of Investigation Act 2004. I would like to quote from Mr. Hugh Hartnett's warrant of appointment. Mr. Hartnett has been appointed to inquire "into the truth of any or all of the members of the Garda Síochána——

An Ceann Comhairle: It is not appropriate to quote during Question Time.

Mr. Costello: I am quoting from the warrant signed by the Minister.

An Ceann Comhairle: It is not appropriate to quote from it.

Mr. Costello: Why did the Minister provide in the warrant of appointment that Mr. Hartnett's powers of investigation will be limited to examining on oath whether "any or all of the members of the Garda Síochána (referred to in the schedule below)" were in neglect or in violation of duty? Why are just seven members of the Garda referred to in the schedule? The garda who was in charge of Clonmel Garda station at the time has since retired. As he is no longer a member of the force, he cannot be investigated under the police Act. I ask the Minister to reconsider the need for accountability and transparency to be shown to the public and the families in both these cases. He should establish, under the Commissions of Investigation Act 2004, a proper and open investigation that will be seen to be transparent and accountable in both cases.

Mr. McDowell: I am satisfied that the Garda Síochána is fully and properly investigating the unfortunate death of Terence Wheelock. Deputy Costello made a number of points. I have been informed that Mr. Wheelock was found hanging from a ligature that was tied around his neck and suspended from a permanent fixture in the cell, which was an alarm buzzer panel. I have been further informed that the ligature used was the cord from the waistband of Mr. Wheelock's track-suit. Deputy Costello should be aware that the cell in question was subsequently altered to recess the alarm buzzer into the cell wall. Photographs were taken of the ligature *in situ* before that work was carried out.

Mr. Costello: Neither Mr. Wheelock's family nor their lawyer were informed of that.

Mr. McDowell: I am simply informing the Deputy of my understanding of the circumstances in question. He will appreciate that the cell continues to be in daily use. When the Garda dis-

covered that a ligature had been suspended from the alarm button in such an unlikely manner——

Mr. Costello: That is the story.

Mr. McDowell:——the responsible thing to do was to photograph the panel as it was found and to replace it so that it could not be used in such a manner again. If an event of this nature was to happen again, I am sure Deputy Costello would be the first to say that to leave the panel in such a condition was evidence of gross Garda negligence. I wish to clear up any doubt by reminding the House that such events will be investigated by the new Garda ombudsman commission on an automatic basis from now on. The sooner the commission is up and running the better, as far as I am concerned. The House is familiar with the efforts I made to ensure the legislation establishing the ombudsman commission was pushed through. I am not aware of any reason to suspect that anybody other than Mr. Terence Wheelock was involved in the events which led to his death. It is not fair to create an alternative impression.

I do not want to prejudice the outcome of the inquiry into the death of Brian Rossiter by responding to some of the remarks made by Deputy Costello. Mr. Hugh Hartnett has been asked to inquire into the various issues and he will do so. If a commission of inquiry were established, it would proceed in private. Commissions of inquiry do not operate in public.

Mr. Costello: I did not mention privacy.

Mr. McDowell: Tribunals of inquiry operate in public, but commissions of inquiry do not. Deputy Costello should consult the relevant legislation for further details. It was always likely to be a private inquiry, unless the Deputy would have preferred me to have established a public tribunal of inquiry. I hope Mr. Hartnett's inquiry will proceed rapidly to investigate all the issues involved. I do not accept Deputy Costello's point about former members of the Garda. If the Deputy were correct, it would mean that every inquiry under that statute, whenever established, could simply be brought to an end by a garda handing in a letter of resignation. That is a proposition I do not accept as legally valid. Perhaps I am wrong on that point and the High Court will tell me different but it would be an unusual construction of a statute if it stated that a member who was under investigation by a statutory tribunal could bring it to an end by simply handing the Garda Commissioner his resignation from the force.

An Ceann Comhairle: I call Question No. 3.

Mr. Costello: I wish to ask a further supplementary question.

An Ceann Comhairle: We have a serious logistical problem.

Mr. Costello: I have just one priority question.

An Ceann Comhairle: I appreciate that. When I called the Minister to respond to the supplementary, the Deputy had used four minutes. The six minutes allotted for the question had concluded. To be fair, I used my discretion and allowed the Minister to answer questions because I thought the Deputy would wish to hear the answers. However, we have gone three minutes over time on the question. I must call Question No. 3 at this stage. It is 3.50 p.m. We should be on——

Mr. Costello: Perhaps I could ask the question and the Minister could respond at a later time.

An Ceann Comhairle: Maybe so, but I call Question No. 3 at this stage.

Mr. Costello: Could I briefly ask——

An Ceann Comhairle: No. It is 3.50 p.m. At this stage we should be on the fourth question but we have not yet begun the third.

Mr. Costello: The Minister——

An Ceann Comhairle: That question went for nine minutes.

Mr. Costello: The Minister has not replied as to why the inquiry was established under the Dublin Police Act.

An Ceann Comhairle: I am sorry. I call Question No. 3.

International Agreements.

3. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if representatives from his Department or associated agencies have travelled to Nigeria to monitor the implementation of the re-admission agreement entered into with the Nigerian Government in August 2001 (details supplied) under which the Government has committed itself to safeguarding the human rights and dignity of those being returned when repatriation has taken place; the details of such visits to Nigeria; and if he will make a statement on the matter. [29933/05]

Mr. McDowell: A bilateral agreement on immigration matters, including re-admission, was concluded in 2001 between the Government of Ireland and the Government of the Federal Republic of Nigeria. The agreement has not yet been officially ratified by the Nigerian side so there is not, as yet, in existence a co-ordinating

committee as provided for in Article XIX of the agreement. Notwithstanding its non-ratification, both sides are operating in the spirit of the agreement, particularly in the area of repatriation.

A senior official from my Department and two senior officers from the Garda national immigration bureau travelled to Nigeria in April of this year to meet with a number of Government and non-government organisations involved in the area of immigration and returns, accompanied by Ireland's ambassador to Nigeria and a consular official.

Specifically, the delegation met with Government officials from various elements of the Nigerian immigration service and the National Agency for the Prohibition of Trafficking in Persons. The delegation also met with the Nigerian office of the International Organisation for Migration, which manages assisted voluntary returns programmes there. Further meetings took place with representatives from the United Nations High Commission for Refugees and with visa officers and airline liaison officers representing a number of EU member states. There were useful exchanges between all parties. One of the outcomes of this visit is that arrangements are in train for a month long visit to Ireland later this year by officials from the Nigerian immigration service to study our system.

The human rights guaranteed by Article XX of the agreement are given effect to by section 5 of the Refugee Act 1996, which I am obliged to consider when returning a person to Nigeria, or any other third country, before making a deportation order. This provides that a person shall not be expelled from the State or returned in any manner whatsoever to the frontiers of territories where, in the opinion of the Minister, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. Extensive country of origin information, including reports prepared by the UNHCR and similar independent bodies, are always consulted in making an evaluation.

Mr. Cuffe: I am shocked to hear that the Nigerian Government has not ratified this agreement yet the Minister is continuing to send people to that country to meet their fate under a regime which has been characterised by a lack of human rights and the use of torture. The Minister has failed to convince me that the terms and conditions of the readmission agreement with Nigeria are being honoured.

An Ceann Comhairle: A question, please.

Mr. Cuffe: Could I remind the Minister that under the re-admission agreement, Ireland has committed itself to safeguarding the human rights and dignity of those who have been returned dur-

[Mr. Cuffe.]

ing the deportation process and when repatriation has taken place? However, what appears to be occurring—

An Ceann Comhairle: The Deputy should ask a question, please.

Mr. Cuffe: Is the Minister aware that when people are returned to Nigeria, the gardaí and Irish officials leave within 24 hours? This is not good enough. The Minister is not honouring his side of the agreement to make sure the human rights of those who have been repatriated are honoured. Those human rights must be respected.

To deport individuals from Ireland to volatile countries headed by corrupt Governments or regimes, where hunger and violence are a part of everyday life, is deplorable. In particular, I bring the Minister's attention to the plight of the "aged out" minors who are currently living under the threat of deportation. The Minister has received correspondence from myself and my constituency colleagues in that regard. These are young men and women who came to Ireland as children. They are particularly vulnerable if sent back. Is the Minister aware of the impact of deportation and repatriation on these young people? As an example, I will give the story of Portia.

An Ceann Comhairle: Deputies cannot give the Minister examples of anything. Also, the Deputy is reading a script, which is totally inappropriate during Question Time.

Mr. F. McGrath: The Deputy is right. It is a disgrace.

Mr. Cuffe: Is the Minister aware of an "aged out" minor who lived in Ireland for over two years?

An Ceann Comhairle: It is not appropriate to ask to ask the Minister if he is aware of something and then make a speech. That is not in order.

Mr. Cuffe: Is he aware she was deported to Lagos just before her 20th birthday?

An Ceann Comhairle: The Minister has just over one minute to respond.

Mr. Cuffe: On arrival, she was taken into custody and released on the payment of a fine. In conclusion—

An Ceann Comhairle: Deputy, it is inappropriate to read a speech into the record at Question Time.

Mr. Cuffe: What has the Department of Justice, Equality and Law Reform done to honour the

agreement? The Minister has not even waited for the agreement to be ratified.

An Ceann Comhairle: We have used almost six minutes on this question. I call the Minister.

Mr. McDowell: Every country of the European Union returns people to Nigeria. If I was to take on board the ill-considered views of the Deputy on this matter, nobody would be returned to Nigeria.

Mr. F. McGrath: He is not a lone voice.

Mr. McDowell: He is not. A couple of others have equally ill-considered views, perhaps including Deputy Finian McGrath.

Mr. F. McGrath: They are humanitarian views.

Mr. McDowell: If I were to state in the House, as Deputy Cuffe invites me to do, that nobody who comes to this country from Nigeria will be sent back there, the result would be plain for all to see.

Mr. Cuffe: Nobody is saying that.

Mr. McDowell: The Deputy is saying that. He is suggesting that nobody should be sent back there.

Mr. Cuffe: I can speak for myself.

An Ceann Comhairle: I ask Deputy Cuffe to allow the Minister to reply.

Mr. F. McGrath: If it involved Irish citizens in America, the Minister would be jumping up and down.

Mr. McDowell: The Deputies cannot have it every way. There has been a significant flow of people from Nigeria to Ireland, where they claim asylum, with a very high rejection rate. The predominant motivation of the great majority of people who come to Ireland and claim asylum has been economic — let us be honest about it. If this country, which has had an inordinately high flow of asylum seekers from Nigeria in proportion to its population, were to do what Deputy Cuffe suggests, the situation would spiral out of control. I have reduced it dramatically by the steps I have taken. I thank God I am in the position of Minister because if the Deputy and other members of the rainbow coalition were making similar decisions, we would have chaos.

An Ceann Comhairle: The question is concluded. I call Question No. 4

Mr. Cuffe: I want to ask a supplementary question.

An Ceann Comhairle: We have used six and a half minutes on this question. I call the Minister on Question No. 4.

Mr. Cuffe: What measures have been put in place to ensure the rights of these people are honoured?

Garda Equipment.

4. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the reason the Garda Síochána must continue to operate a radio communications system which is insecure and totally out of date; his views on whether this continues to place the Garda Síochána at a continual disadvantage in the fight against crime; and the further reason the pilot digital radio system successfully piloted in two areas of Dublin some years ago has not been rolled out nationally. [29916/05]

Mr. McDowell: I have always recognised the need to provide the Garda Síochána with secure radio communication systems. As the Deputy is aware, a pilot digital radio system covering the Dublin north central division and traffic section, Dublin Castle, has been completed by the Garda Síochána. Following its completion the Garda Síochána prepared and submitted to me a detailed business case for the provision of a nationwide system.

Following discussions between officials of my Department, the Garda Síochána and the Department of Finance on the technical and implementation options in the business case, as well as discussions surrounding the funding for the project, it was agreed that a procurement model based on an outsourced service provision be adopted. The rationale behind this decision is two-fold. First, it will minimise the need for members of the Garda Síochána to support and maintain the system — in other words, the private sector will operate and support the system. This is in line with my overall policy of ensuring that Garda resources are concentrated on operational duties. Second, the approach being adopted should allow participation by the other emergency services, thus enabling all emergency services to communicate with one another in the context of major emergencies and other shared or joint operations, or ordinary blue light activity by the emergency services.

I estimated that the cost of this project could have been well over €100 million. I made the decision that instead of venturing into the acquisition of a communications system at that cost, the appropriate action was to rent an effective system from people whose job it would be to ensure it remained effective and, in that way, to avoid a massive capital expenditure by the State on a one-off basis.

Aengus Ó Snodaigh: It is privatisation.

Mr. McDowell: The contract is now the subject matter of a tender procedure which I hope will be concluded in the next few weeks. I hope after that we will be in a position to sign a contract with the successful tenderer for the roll-out of a national digital radio system for the Garda Síochána.

Mr. J. O’Keeffe: Does the Minister accept the present walkie-talkie system is over 20 years old? Does he accept the pilot scheme to which he referred was completed over three years ago? Does he accept the Garda Commissioner submitted the business plan and the case almost two years ago? Does he accept that when I raised this issue as a matter of urgency a year ago, he told me a tender was to issue to the marketplace to be finalised in the new year?

Does he accept that as of now, the hands of gardaí are tied from the point of view of their fight against crime because of an utterly out-of-date communications system and that their only way of communicating in many instances is by using their own private mobile telephones where there is coverage? Does he accept that this issue was strongly pressed by the Garda Representative Association, GRA, recently when it said the current radio system was in a decrepit condition, on the verge of total collapse and that the members of the Garda Síochána were utterly hampered in their fight against crime because of the delays in installing this modern, up-to-date system? I agree the system should be installed but there is no excuse for the incredible delay.

Mr. McDowell: I thank the Deputy for reminding us that this system is so antiquated. I remind him that it was not dealt with in the lifetime of previous Governments.

Mr. J. O’Keeffe: This Government has been in power for the past eight years.

Mr. McDowell: I am the Minister who is dealing with this issue. I have avoided the pitfall which was put to me of purchasing an entire system with a huge capital outlay. I have decided instead do it on an outsourced, service basis so that the Garda will have a proper system. If there is anything wrong with it, it will fall to the account of the service provider and not the Garda.

I fully accept the point the Deputy made about the need for such a system. It surprised me on coming into office that it had been left undone for so long. I am doing this in the appropriate way and, what is more, I am doing it in a way which is fully integrated with the blue light services. The roll-out of this service will commence in 2006. I am pleased to say I am doing what many Ministers thought about.

Mr. J. O’Keeffe: It will be a job to be finished by the next Government.

Mr. McDowell: As usual, the job, which was left undone by others, is being done by me.

Mr. J. O’Keeffe: As the GRA said, the Minister is strong on rhetoric but weak on delivery. It was very well put.

Mr. McDowell: I notice there were no supplementary questions.

Drug Seizures.

5. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the steps he has taken to address the cocaine and crack cocaine crisis. [29918/05]

Mr. McDowell: The national drugs strategy addresses many of the problems of drug misuse across a number of pillars — supply reduction, prevention, treatment, rehabilitation and research — and implementation of that strategy across a range of Departments and agencies is co-ordinated by the Department of Community, Rural and Gaeltacht Affairs, in particular by the Minister of State, Deputy Noel Ahern.

The Government is aware of the increased prevalence of cocaine usage in recent times and efforts to tackle it are broadly based to include measures aimed at both supply and demand reduction, including awareness initiatives. The national strategy specifies a number of supply reduction targets for the Garda Síochána in terms of all drug seizures and the Garda has achieved considerable successes in cocaine seizures in recent times.

I am informed by the Garda authorities that their strategies for dealing with drug offences are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs, including cocaine. All these strategies are based on a number of underlying principles, namely, focusing on all aspects of drug trafficking, including importation, transportation and distribution; gathering of intelligence on all individuals and organisations involved in the distribution of drugs, whether they live in Ireland or elsewhere; conducting targeted operations on criminal networks based on intelligence gathered; and working in collaboration with other law enforcement agencies, both within and outside the jurisdiction, to address the national as well as international aspects of drug trafficking and distribution.

The Garda authorities further inform me that they have had a number of substantial recent successes, including against cocaine trafficking. As the Deputy will be aware, many of these have recently been publicised. The trafficking and distribution of all illicit drugs, including cocaine

hydrochloric and freebase — crack — at local, national and international levels is constantly under Garda scrutiny.

The Criminal Justice Bill, which is before the House, provides a comprehensive package of anti-crime measures, including sentencing for drugs offences. It will also deal with search warrants and admissibility of statements which are retracted. There will also be further provisions to strengthen the existing ten-year minimum sentence to make it clear that people who act as drug mules should not be excused because they are simply minor cogs in a large machine. The Mr. Bigs rely on Mr. Littles, so to speak, to do the leg work for them and the deterrent aspect of that sentence must apply to everybody, big or little, who is involved in the distribution and importation of drugs into this country.

Aengus Ó Snodaigh: Does the Minister agree he and his colleague, the Minister of State, Deputy Noel Ahern, who is responsible for the drugs strategy, have consistently underestimated the seriousness and extent of the problem of cocaine in Dublin city and beyond and the growing crack problem in Dublin city? Is he aware the figures on which he has relied in the past in replies to me and Deputy Crowe are very poor?

If he is looking for indicators as to the seriousness of this problem, they can be found in the July report of the Oireachtas Joint Committee on Arts, Sport, Tourism, Community Rural and Gaeltacht Affairs. It indicated that there has been a threefold increase in the prevalence of cocaine use among women between 1999 and 2002. Use among men in the same period has doubled. Other indicators include the huge seizure earlier this year. I commend the drugs squad on that seizure of crack. In previous years, 3 g. or 4 g. of crack was confiscated yet 300 g. alone have been seized this year. That is an indicator. Is the Minister aware of the gravity of the situation? What steps will he take to implement the recommendations of the Oireachtas joint committee in his Department?

Mr. McDowell: To set the record straight, we are talking about kilograms rather than grams. Some 3 g. would not be a great seizure rate in any year and we are talking about a very considerable trade in cocaine. I hope the Deputy does not take this point amiss but the majority of cocaine coming into Ireland comes from South America and a very considerable amount of it comes from Colombia. Persons not too distant in terms of ideology and organisation from the Deputy went to Colombia to get some of its narco-dollars in exchange for military techniques. While I will do my job, perhaps the Deputy’s job is to ensure that does not take place again.

Aengus Ó Snodaigh: Obviously, the Minister does not accept he is not doing his job. Over many years, there have been proposals to increase the numbers in the drugs squad in this city but that has not happened. The numbers required to tackle this problem have not been provided. The Minister once again failed to acknowledge the huge growth in the use of crack. Will he acknowledge we have a crack problem and that the cocaine problem is spiralling out of control?

Mr. McDowell: I agree with the Deputy that we have a considerable problem with cocaine and crack cocaine as an emerging aspect of the cocaine problem. I agree with him that it would be great if we could devote more resources to the battle against drugs. However, Garda resources have been used on other issues, as the Deputy knows. I hope part of the peace dividend, once the various paramilitary organisations cease their activities, will be to release scarce Garda resources to that end. The Deputy will also appreciate that people close to him were the subject of interventions by the Garda Síochána in the south of Dublin city. It would be great if those detectives, instead of carrying out those types of operation, could spend their time arresting drug dealers.

Aengus Ó Snodaigh: This is a serious problem in this area and in Dublin city. As usual the Minister is deviating from the question.

Other Questions.

Communications Masts.

6. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the agreement made in 1997 between the Garda Síochána and Esat on the erection of masts on Garda stations and the role played by him in making the agreement; the value of the contract since 1997; the number of mobile telephones that have been provided to the Garda Síochána since 1997; the number of gardaí who have mobile phones supplied by O₂ at present; if these mobile phones are the only secure communication system available to the gardaí; and if he will make a statement on the matter. [29754/05]

Mr. McDowell: The agreement was made in June 1997 between Esat Digifone, now O₂, and the Commissioners of Public Works, the Minister for Finance, the Garda authorities and the Minister for Justice. I was not party to that agreement, as the question implies.

Mr. Costello: It was the Government, not the Minister.

Mr. McDowell: I wanted the Deputy to know in case he is wondering about the wisdom of the agreement.

Mr. Costello: I would not expect the Minister to have been there at the time.

Mr. McDowell: The Deputy might like to know who was there at the time. It was a Government consisting of the Fine Gael Party, the Labour Party and Democratic Left which pushed through this agreement on its last day in office. It was not this Government that signed that agreement.

Aengus Ó Snodaigh: The Minister should name those Ministers responsible.

Mr. McDowell: The Deputy may appreciate that Deputy O'Donoghue was appointed as Minister for Justice, Equality and Law Reform on 26 June 1997 but the agreement was authorised to be signed by Cabinet on 25 June 1997.

Mr. J. O'Keeffe: Does the Minister have a problem with the agreement?

Mr. McDowell: This deal and all its provisions were done by the rainbow Government. What is interesting is not merely did that Government sign it on the last day in office, but it provided that Esat could extend it for five years, which it did. The agreement will only expire in 2007.

Mr. Costello: Will the Minister answer the question?

Mr. McDowell: It is not possible to provide a definitive figure of its value as some of the services provided under the terms of the agreement, such as calls within the 086 network and replacement masts, are provided free of charge to the Garda Síochána. Amounts relating to mobile usage for which charges apply are deducted from the gross fees paid to the Office of Public Works in accordance with the terms of the agreement, a netting agreement. I am advised by the Office of Public Works that from June 1997 to 31 March 2005, an amount of €5.75 million has been offset against gross licence fees of €13.8 million resulting in net receipts of €8.05 million.

Additional information not given on the floor of the House.

I am informed by the Garda authorities that 998 mobile phones have been made available under the agreement and on official issue within the Garda Síochána. I am advised by the Garda authorities that they employ a variety of secure communications technologies to meet different operational demands and that while mobile

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phones provide some level of security they are not in the same category as the other secure communications technologies employed by them.

Mr. Costello: The report by the Comptroller and Auditor General of what happened in this matter since 1997, when this Government came into office, makes stark reading, particularly the number of Garda stations on which masts were erected. Peanuts were paid to the Government subsequently when an independent assessor was established. The Government had to wait six years before it received arrears of €3.6 million, without interest.

Why did the Minister and his predecessor rely on the mobile telephones and the communications network established by a private company as a substitute for a secure Garda communications system? It is the only secure system in the Garda because of the approximate 1,000 mobile telephones given to the Garda from the rank of inspector up. Why has the Minister not put in place a secure communications system for the Garda?

Mr. McDowell: I suggest the Deputy stops digging. The terms of this agreement were agreed by the Fine Gael-Labour-Democratic Left Government. It was in such a rush to agree it, a provision was included that the rents payable under the agreement would be provisional and the ultimate rent would be established by a system of arbitration. The arbitration went on and on. However, the providence of the erstwhile Government, which had signed the agreement, did not even provide for interest on the arbitrated sum. The taxpayer had to wait a long time for the actual rent, as opposed to the provisional rent, to come in. This agreement was put in place on the last day of office of the Fine Gael-Labour-Democratic Left Government.

Mr. Costello: Why is there no substitute secure communications system?

Mr. McDowell: The terms provided for an extension up to ten years. I agree the terms are open to a degree of criticism. However, any infelicity in concluding the terms falls into the hands of those who negotiated it. The arbitration process was delayed, at a cost to the taxpayer, because no provision was made for the company to pay any interest on the arbitrated award. This was an extraordinary omission by people who were so keen to have it agreed on their last day on office.

Child Care Services.

7. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the committees and working groups in his Department, or on

which his Department is represented, which deal with the issue of child care; and if he will make a statement on the matter. [29646/05]

Mr. McDowell: The Department of Justice, Equality and Law Reform has lead responsibility for the equal opportunities child care programme, EOCP, 2000 to 2006. The programme was established to deliver the Government's commitment, identified in the national development plan to develop quality child care services in Ireland through a major investment programme. This commitment was given in direct response to the recommendations of the expert working group on child care established under Partnership 2000, and chaired by the Department of Justice, Equality and Law Reform, to develop a strategy for the development and delivery of child care.

The key objective of the programme was to increase the supply of centre-based child care places by 55%, or some 31,500 places, by its end. At the end of June 2005, some 26,000 new places had been created and 23,000 existing places were being supported. The programme is, therefore, ahead of its projected targets and is expected to result in some 39,000 new places through funding already committed. In addition, the EOCP has provided support and assistance to the many childminders who are providing child care services, the county child care committees and the like.

Since its inception in 2000, the funding committed to the programme has increased from €318 million to €499.3 million, or by 57%, the most recent increase being €50 million in the 2005 budget. In addition, the multi-annual capital envelopes announced on budget day included increases that will result in a further €50 million in capital in 2006 and a further €40 million in capital funding between 2007 and 2009.

The Deputy will appreciate this has been a substantial programme and is one of the successes of the last several years.

Additional information not given on the floor of the House.

It is against this background, that the following committees and working groups were established, and are dealing with child care issues relevant to my Department. The equal opportunities child care programme appraisal committee, chaired by the child care directorate in my Department, considers grant applications and makes recommendations regarding capital and staffing grant assistance, and other issues for consideration by the Minister for Justice, Equality and Law Reform.

The national childcare co-ordinating committee, also chaired by my Department, oversees the development of an integrated child care infrastructure throughout the country. Membership comprises representatives of the statutory and non-statutory sectors including the social part-

ners, the national voluntary childcare organisations and the city and county childcare committees which have been established. To assist it in its work, the NCCC has established a number of sub-groups. These include a certifying bodies sub-group, an advisory group to the NCCC, a working group on school age child care, and a child minding sub-group.

The working group on school age child care published its report, *School Age Childcare in Ireland*, in June 2005. This report made a number of recommendations for, as well as providing guidelines on, the development of appropriate school age child care services, including the use of school premises where appropriate.

The certifying bodies sub-group was established to address qualification, certification and accreditation issues in the area of child care from the perspective of the child care sector. In 2002, this group published a model framework for education, training and professional development in the early childhood care and education sector. The model framework addressed issues relating to accreditation from the perspective of the child care sector and developed a set of occupational profiles for early childhood care and education sector. The child minding sub-group was formed to compile a set of national guidelines for the voluntary notification of child minders who are not required to notify their services to the Health Board under the 1996 Child Care (Pre-School Services) Regulations. A draft set of guidelines has been presented to the HSE.

A total of 33 city and county child care committees were established in 2001 charged with preparing and delivering a five year child care development strategy plan to address the specific child care needs of each of the 33 local areas. To implement its strategy, each CCC is required to prepare an annual action plan, which receives funding under the quality measure of the EOCP. The chair of the CCC is a member of the local authority county development board.

The IBEC/ICTU sub-committee was established in the context of Sustaining Progress to examine the child care needs of employers and employees. The sub-committee is expected to report shortly with a view to setting out areas of commonality between the partners and identifying issues for discussion in partnership talks.

As this very successful investment programme draws to its final stage, the full range of child care issues and how we should best address them are being critically examined in a wide number of fora. The following is an extensive list of the committees and working groups considering child care issues, in which my Department is actively represented: the high level working group on early childhood care and education, chaired by the National Children's Office; the monitoring committees of the respective regional operational programmes of the national development plan,

through which EU structural funding for the programme is channelled and in respect of which my Department gives a progress report on a biannual basis; the NESF project team on early childhood care and education; the national women's strategy; the senior officials group on social inclusion and children, which is chaired by the Department of the Taoiseach; the Department of Social and Family Affairs commission on the family; the national anti-poverty strategy; the FÁS competency development programme; the National Council for Curriculum Assessment consultative committee for early years; the Centre for Early Childhood Care and Education consultative forum; cross-departmental committees under Sustaining Progress; the review group on capital tax allowances; the review group on the Child Care (Pre-School Services) Regulations.

Policy for child care provision in Ireland is at an important watershed and it is crucial that a long-term outlook is adopted on a critical issue for parents and children, as well as an important strategic issue for the country as a whole. My Department has been at the forefront of these developments through the EOCP and through the range of working groups in which it participates, and I hope to continue this role and its valuable contribution to future Government policy on child care.

Mr. J. O'Keefe: This programme was one of the few successes.

Aengus Ó Snodaigh: I did not get an answer to my question on the committees and review groups of child care on which the Department is represented. While I know how great the equal opportunities childcare programme is from other replies from the Department, it was not what I sought in this question. I acknowledge the great work it has done.

An official from the Department of Justice, Equality and Law Reform stated to the Joint Committee on Justice, Equality, Defence and Women's Rights that responsibility for child care and early childhood education should reside in one Department instead of being divided between various ones. Does the Minister agree with this? Without detracting from the work done by people in the Department, child care seems to go between pillar to post. Does the Minister agree there should be a Minister for Children and all matters surrounding child care should come under one Department?

Mr. McDowell: I agree with the Deputy that it is strange that child care policy is located in the Department of Justice, Equality and Law Reform. The reasons were explained to the Deputy by my officials who attended the committee meeting. I agree with the Deputy that in a reorganisation of Government, it might well be

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appropriate to put it into a single social affairs or child-orientated Department. That is not to say the Department of Justice, Equality and Law Reform should not have a focus on young people as well, but Minister of State, Deputy Brian Lenihan has special responsibility for children and this activity could be located in a different Department if the machinery of Government were reorganised. That is not to detract from the huge amount of work that has been done by the people in the Department, in somewhat unlikely circumstances, to bring about one of the great successes of recent years. I am not territorial about this and if there is a better place to locate this activity and thereby achieve synergy with other State agencies, the Department of Justice, Equality and Law Reform will not be selfish but co-operate.

Mr. J. O’Keeffe: It seems incongruous for child care to be dealt with by the Department of Justice, Equality and Law Reform but the assistant secretary in the Department ably outlined the background to it and the fact that the justice umbrella meant EU funding was available. I understand that will end in the next year or so.

I gather there is no great queue of applicants to take over the child care brief. The Minister might find it helpful if he recommended either the Department of Health and Children or the Department of Education and Science. Perhaps the first few years could be dealt under the health portfolio and pre-school years under education. It will have to be decided soon because the justice input to the portfolio will decrease.

Mr. McDowell: As long as it is our responsibility to discharge it, we will continue to do so as well as we have done to date. The Deputy asked whether there was a queue of Departments which thought it would fit neatly into their own administrative structures or areas of responsibility. I do not think there is but I believe any prospective Minister would find it attractive to have the brief in his or her portfolio because when one is weighed down with the burden of crime, prisons, courts and policing it is wonderful to get involved in one of the more constructive areas of political activity and see the changes that can be made to the lives of people who need State intervention.

Garda Operations.

8. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform the period of time in which Operation Anvil has been in existence; the cost to date; the number of overtime hours worked by gardaí; if he proposes to extend the programme and if so, for what period and on what terms; and if he will make a statement on the matter. [29760/05]

Mr. McDowell: Operation Anvil commenced in the Dublin metropolitan region on 17 May 2005. The primary focus of this intelligence-driven operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their activities through additional overt patrolling and static checkpoints and by uniform mobile and foot patrols supported by armed plain clothes gardaí. The Garda authorities inform me that the cost of Operation Anvil up to 30 September 2005 was €4,029,344, and the number of overtime hours paid to that date was 111,235.

As with all Garda initiatives introduced in response to circumstances at a particular time, the Commissioner keeps the project under constant review in the context of the purpose for which it was introduced. Operation Anvil is ongoing and the necessary resources continue to be made available to ensure that the Garda can succeed in this initiative.

While the provisional quarterly headline crime statistics, which I released last week, show that the number of offences for the year ending in September decreased by 0.2%, I have already expressed my concern and disappointment at the increase of 0.4% in the figures for the first three quarters of the year and of 5.5% in the figures for the third quarter. The figures for firearms offences in particular show the continuing need for Operation Anvil. I am encouraged by the fact that the number of detections of possession of firearms has shown a marked increase since the second quarter, during which Operation Anvil was introduced. While Operation Anvil is proving very successful, is just one part of a multifaceted strategy to deal with the problems it seeks to address.

I take great satisfaction in the Government’s decision last October to approve my proposal for the recruitment of 2,000 additional gardaí to increase the strength of the force to 14,000.

Mr. J. O’Keeffe: That is the 25th time it has been announced. The Minister should set it to music.

Mr. McDowell: I have already promised that the additional gardaí will not be put on administrative duties but will be put directly into front-line, operational, high-visibility policing such as Operation Anvil. The Commissioner is committed to that policy.

Additional information not given on the floor of the House.

The Garda Síochána is now better resourced than at any time in its history. The Garda budget is now at an historic high of more than €1.1 billion, representing an increase of 85% in the provision since 1997 when the provision stood at just €600 million.

In addition to operational initiatives such as these, I am proposing a comprehensive package of anti-crime measures in the Criminal Justice Bill 2004, which is on Second Stage in the House. These measures will enhance the powers of gardaí in the investigation and prosecution of offences. The Bill contains an essential updating of our law to ensure that criminal offences can be investigated and prosecuted in a way which is efficient and fair and which meets the needs of modern society. It will also address such matters as the preservation of crime scenes, increased periods of detention in the case of arrestable offences, search warrant powers for the Garda Síochána, amendments to the Criminal Justice (Forensic Evidence) Act 1990, provision for fixed penalty procedures in respect of certain public order offences and the admissibility of statements by witnesses who subsequently refuse to testify or who retract their original statements.

The Bill also provides for the creation of criminal offences relating to organised crime, the strengthening of provisions on the imposition of the ten-year mandatory minimum sentence for drug trafficking, new offences of supplying drugs to prisoners, the creation of a drug offenders register, provisions to deal with anti-social behaviour and amendment of the Explosives Act 1875 to update fines and penalties and provisions relating to fireworks.

I am finalising proposals for the inclusion in the Bill of provisions which will introduce a significant strengthening of the law with respect to firearms. These will be amendments to the Firearms Acts 1925 to 2000 which will include, among other things, increased fines and penalties relating to offences generally under the Firearms Acts and the creation of mandatory minimum sentences of between five and ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle and use or production of a firearm to resist arrest.

Mr. Costello: In addition to Operation Anvil there was Operation Crossover which cost in the region of €4 million. With €6.5 million for Operation Anvil, that is an extra €10 million on top of the existing €80 million overtime in the budget for the Garda Síochána. Does the Minister not agree that running the Garda and formulating a strategy to deal with crime should not rely on overtime? He spent three years in an industrial dispute where he closed down a number of prisons to reduce overtime for the Prison Service. Now he is expanding overtime for the Garda.

Can I ask the Minister why he has not recruited the 2,000 gardaí that were promised three years ago? Why does he rely on overtime to do his

policing when the Garda Commissioner cannot plan properly from one year to the next for how he will allocate his resources to ensure he can combat crime throughout the country at all times? Will he dispense with this sporadic, *ad hoc* response to crises as they arise?

Mr. McDowell: I disagree with the Deputy on his fundamental premise that the use of overtime in policing is suspect and that it should all be done on basic pay. That is not the experience of any police force anywhere in the world. If we operated on the basis that police worked their own shift and no more without overtime-driven programmes, it would not produce the desired results. No police force of any significance operates on that basis. It is not wrong for resources to be made available to specific operations or particular areas.

I thank the Deputy for his kind reference to the fact that I have saved the taxpayer between €15 million and €25 million per annum on prison officers' overtime. That is an entirely different system and there is no reason a decent prison service should operate dependent on overtime.

Mr. J. O'Keeffe: The public cannot understand why if Operation Anvil was successful at a cost of €4 million, which is a tiny fraction of the Garda budget of approximately €1 billion—

Mr. McDowell: It is €1.1 billion.

Mr. J. O'Keeffe: If a miserable €4 million can produce such a result, why is there not a contingency fund of €10 million or €15 million each year for the Commissioner to carry out three or four operations similar to Operation Anvil and to work such operations into his plans?. We will not get into the mythical 2,000 gardaí that were promised three years ago and have not been produced. Until they are produced, why is money not made available to the Commissioner to enable him to have a number of operations similar to Operation Anvil?

Mr. McDowell: The Deputy will appreciate that every year provision is made for Garda overtime. The exact amount needed for overtime depends on circumstances. I do not set aside money specifically for overtime. When one runs a Department and a police force—

Mr. J. O'Keeffe: Is it just a public relations exercise by the Minister?

Mr. McDowell: —with a budget of €1.1 billion, it is necessary to pay for individual operations from time to time and there is nothing unusual about that. Police forces all over the world do it and it would be very strange if they did not.

Mr. Costello: There are phantom gardaí.

Mr. McDowell: The Deputy referred again to the phantom 2,000 gardaí. I will invite Deputy Costello down to Templemore to see the phantoms marching in front of him. Who will look like a ghost then? The Deputy will be ghostly white when he sees the reality.

Mr. J. O’Keeffe: The Minister should put that to music. I have been looking for them for the past three years.

Mr. Costello: There are phantoms around Finglas and elsewhere.

Mr. McDowell: The only phantom is Deputy Costello himself. The gardaí are very real, and they are flesh and blood.

Mr. Costello: There are phantom gardaí everywhere.

Crime Levels.

9. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform his views on whether violent crime connected with gangland activities has got out of hand (details supplied); and if he will make a statement on the matter. [29743/05]

Mr. McDowell: While all forms of gangland crime are unacceptable, I reject the assertion that violent crime connected with gangland activities is “out of hand”. Unprecedented levels of resources are being made available through my Department to the Garda to combat this form of criminality on a focused and coherent basis.

The National Bureau of Criminal Investigation is the Garda specialist unit tasked with the role of tackling organised crime. It carries out this role by conducting intelligence-driven operations in close co-operation with other specialist units, specifically, the National Criminal Intelligence Unit, the Garda National Drugs Unit, the Garda Bureau of Fraud Investigation and the Criminal Assets Bureau. A number of organised crime groups have been targeted resulting in the recovery of firearms, drugs seizures and the prosecution and conviction of a number of persons before the courts. The Criminal Assets Bureau is actively utilised to identify and target funds accumulated by criminals.

The National Bureau of Criminal Investigation is also closely involved in “Operation Anvil”, which operates as we have heard in the Dublin metropolitan region. Our legislative package for tackling serious and organised crime is already widely viewed as being one of the toughest in Europe. However, there are legislative proposals to enhance our legal framework in this area in

the form of the Criminal Justice Bill 2004 and amendments spoken about for Committee Stage.

The Deputy will be aware of the ongoing recruitment campaign to bring the strength of the Garda Síochána to 14,000, which is well in hand. The rate of recruitment is 1,075 recruits per annum. The rate of recruitment for this year will continue for the next two years. By the end of 2006, the number of gardaí in uniform or in a detective role will be more than 14,000. The Garda budget is at €1.1 billion, which represents an increase of 83% on the 1997 provision from the second to last Government. The Garda Commissioner is satisfied that the necessary resources, both operational and financial, are being directed towards the containment and detection of serious crime. I assure the House that I am in regular contact with the Garda Commissioner to keep the measures and resources for tackling serious crime under continuing review.

Mr. Costello: I have no doubt the Minister is in contact, but he is not doing anything specific or effective about the problem. We are still waiting for the 2,000 phantom gardaí. What is the Minister’s response to the fact that in recent annual reports from the Garda and most recent quarterly reports, there are substantial increases in figures for shootings, manslaughter, murder, drug usage and gangland activity? All of these are increasing. These are crimes of violence against the person and the community. They have increased substantially in every quarter for a considerable period.

We cannot be complacent, and no amount of articulation of how good things are in certain areas will do. Even theft of bicycles has increased by 60%, which indicates that levels of so-called low grade crime are very serious. When the Minister entered office in 2002, there was no crack cocaine in the country, but now there is about to be an epidemic. During the term of office of the Minister’s predecessor, there was very little cocaine use at all. In 2000, for instance, there was no cocaine in the country, but it has now become the most serious drug problem in the country.

An Leas-Cheann Comhairle: I remind the Deputy that other Deputies wish to speak.

Mr. Costello: Clearly the efforts being made currently are not adequate. Will the Minister say specifically what he will do?

Mr. J. O’Keeffe: I am concerned about legislation on the criminalisation of gang membership. The Minister indicated early in September that he would introduce amendments to the Criminal Justice Bill 2004 to deal with the issue. What is the Minister’s position on that amendment and other amendments discussed at the time? Is he

able to bring the process a stage further as we will probably shortly complete Second Stage.

Mr. F. McGrath: Does the Minister agree that his comments on a decrease in crime are not a reality for many citizens? I attended a packed meeting in my constituency last night where we learned of major anti-social behaviour problems, widespread sale of drugs and intimidation of local residents. The gardaí in the area were at the meeting and responded to the questions. This is the reality for many communities, particularly on the north side of Dublin.

On the question of administrative duties for gardaí, I urge the Minister to have more front-line gardaí on the beat. I ask the Minister to restructure the management within the Garda to be more effective on releasing gardaí, particularly young gardaí, into communities. Is the Minister aware of the major problem of unreported crime throughout the State? There is widespread intimidation in communities and people feel excluded from the justice system? Can the Minister act on this issue?

Mr. McDowell: I agree with most points Deputy Finian McGrath makes. People in many communities are experiencing the intimidation the Deputy mentioned. I am glad the Deputy stated that gardaí attended the meeting to which he referred. I am sure the Garda will take on board what they heard and respond to it. With some difficulty, I have piloted through legislation regarding local policing committees. I am engaged in a major transformation of the Garda Síochána, the ombudsman commission, the inspectorate and the professional standards unit. All of these things have to click in to bring about modernisation of the Garda Síochána.

Mr. Costello: What is the Minister doing about crime? He should answer the question.

Mr. McDowell: I cannot remember Deputy Jim O’Keeffe’s question.

Mr. J. O’Keeffe: I am interested in the criminalisation of gangs and amendments proposed to relevant legislation.

Mr. McDowell: Yesterday I finalised some of those matters with the Attorney General. Some points caused difficulty and I hope to bring a raft of amendments to Government in the near future and to give them to the members of the committee as soon as possible thereafter.

Mr. Costello: The Minister is avoiding the question as usual. He should answer the question.

Decentralisation Programme.

10. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the progress he has made towards decentralisation; the sections of his Department which have been decentralised; the sections which remain to be decentralised; the cost of decentralisation to date; the cost of decentralisation when complete; and if he will make a statement on the matter.
[29749/05]

Mr. McDowell: Under the Government’s decentralisation programme close to 1,000 posts from nine agencies under the Department of Justice, Equality and Law Reform will transfer to seven different locations around the country. The details and timescales for these moves are published in the decentralisation implementation group’s progress report to the Minister for Finance dated 30 June 2005 and are set out in the following table.

The indicative dates for the completion of the programme range from early 2007 to mid 2009 and the detailed implementation plans for each of these agencies are published on my Department’s website. The Deputy will also be aware that I announced earlier this week that the new regulatory authority for the auctioneering sector will be established in Navan and the private security authority is already up and running in Tipperary town.

All the agencies are on track with regard to the timetables set out in their implementation plans. In particular, the Irish Prison Service has been classified by the implementation group as an “early mover”. The Office of Public Works has acquired a suitable site in Longford and it is anticipated that the building will be ready for occupation by the Irish Prison Service in early 2007. In addition, the central vetting unit will move from Garda headquarters to Thurles in November, when around 40 posts will be transferred.

As regards costs, the property element is primarily a matter for the Office of Public Works. To date, I understand that costs amount to just over €500,000. Non-property costs at this stage relate mainly to administration and management functions which are estimated to be around €300,000 for the entire Department, where roughly 22,000 public servants work. The Deputy must also appreciate that property will be freed up in Dublin, which will yield significant savings as a result of decentralisation.

In the late 1980s, the Department’s then accounts branch decentralised to Killarney, involving the transfer of around 160 posts. The Land Registry went to the Waterford area and the Legal Aid Board decentralised to Cahirciveen, involving around 170 posts. The private

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security authority has been functioning effectively in Tipperary town for almost a year. There has been no case of a diminution in the quantity or quality of service. The decentralisation process in the Department of Justice, Equality and Law Reform has been quite successful.

Location	Organisation	Posts	Indicative Construction Start	Indicative Construction Completion
Longford	Irish Prison Service HQ	159	End 2005	Early 2007
Portlarlinton	Data Protection Commissioner	22	Mid 2006	End 2007
Portlarlinton	Equality Tribunal	29	Mid 2006	End 2007
Roscommon	Land Registry	230	Mid 2007	Mid 2009
Roscrea	Equality Authority	54	End 2007	End 2008
Roscrea	Garda Complaints Board	24	Mid 2007	Mid 2008
Thurles*	Garda Headquarters	114	End 2006	Early 2008
Tipperary**	Sections of Asylum & Immigration	186	Early 2007	End 2008
Navan	Probation & Welfare Service	103	End 2007	Early 2009

* Garda central vetting unit to decentralise in November 2005 with close to 40 posts.

** Private security authority in place in Tipperary since 2004 with a current staff complement of 13.

Additional information not provided on the floor of the House.

Moreover, the decentralisation process has been a success both for the towns involved as well as for the staff of the agencies in question.

Mr. Costello: How many civil servants are left in the Minister's Department on St. Stephen's Green? Can he confirm that he has already sold that building for €53 million and that the Department is now renting accommodation elsewhere on St. Stephen's Green? Does he intend to leave the situation as it stands? Is he thinking of decentralising himself somewhere else?

Mr. McDowell: The Department will stay in Dublin but a number of other Departments are scheduled to leave Dublin. The main sections of the Department of Education and Science are going to Navan, while the Office of Public Works will also leave Dublin. There will be substantial buildings remaining which will become available to the State for the relocation of the Departments that remain in Dublin. In such circumstances, it made sense to sell off the somewhat decayed building that houses the Department of Justice, Equality and Law Reform. I am sure Deputy Quinn does not think it one of the better architectural features of our world.

Mr. Quinn: It is a horrible building.

Mr. McDowell: It makes sense to get rid of it. A very large capital sum was obtained for it. We are also vacating an office block on Shelbourne Road, the site value of which would be €50-100 million. We are relocating the St. Stephen's Green office to rented accommodation for the moment but the plan is to put us into buildings vacated by other Departments when they move out.

International Agreements.

11. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the Government's plans with regard to the United Nations Convention on Corruption as to its ratification; the proposals for its implementation; and if he will make a statement on the matter. [27213/05]

Mr. McDowell: The *ad hoc* committee for the negotiation of a UN convention against corruption met at regular intervals at the UN in Vienna from January 2002 to October 2003. The convention opened for signature in Mexico on 9 December 2003 and was signed by Ireland on that date.

In April 2005 a transmission was received by from the European Commission which declared regarding the UN Convention against Corruption:

The Commission notes that this convention partially falls under the exclusive competence of the Community. For this reason, the Commission recalls that member states must not ratify the convention before the EC has done so, or has explicitly authorised them to do so, in accordance with the provisions of Article 300 EC.

The Community signed the convention on 15 September 2005 and the convention will enter into force on 14 December 2005. A conference of state parties will take place in November 2006.

In the meantime, officials in my Department have been examining the convention with a view to identifying the necessary legislation which will be required to allow Ireland to ratify it. This examination is being conducted through consultation with the Office of the Attorney General. It

is envisaged that this exercise will be completed in the near future and, subject to Government approval, that drafting of the necessary legislation will begin thereafter.

Mr. M. Higgins: When will the Minister be going to Cabinet with a proposal for ratification? Is he aware that France and Hungary have already ratified the convention and that part of the ratification process is the preparation of domestic legislation? Where is the domestic legislation which is an obligation under the convention? Have the heads of that legislation been approved? When will they be going to Cabinet and when will Ireland be in a position to ratify the convention? Is he not concerned that of the 33 ratifications that have taken place, only two European Union states have done so?

Mr. McDowell: I share the Deputy's concern that we should ratify the convention as soon as possible, but there is a technical difference between Ireland and many of the civil law states. Such states are able to ratify international treaties, which, *ipso facto*, become part of their domestic law. We have a slightly different situation in Ireland as no international agreement forms part of our law unless it is implemented by domestic legislation. By definition, we are always a little bit behind some of the civil law countries in addressing these issues.

The Deputy correctly points out that only two European countries have ratified the convention at this stage. We are currently looking at this convention and deciding which measures are already provided for in Irish law, which measures must be implemented for the first time in Irish law, as well as the measures which must be re-stated in a manner required by the convention. An international legal framework against corruption is necessary in this day and age. Sometimes, the First World to which we belong operates dual standards. Large economic forces are at play in which corruption is not adequately stamped out or curtailed. The sooner we do this, the better.

Mr. M. Higgins: We signed the convention in December 2003 and it becomes an instrument, with the completion of the 90 day period following the 30 ratifications required, on 14 December 2005. Is the Minister in a position to state that he will have brought proposals before Cabinet for such adjustments to domestic legislation before that implementation date?

Mr. McDowell: I will not have the legislation out by then. If the analysis stage is complete, I may well be in a position to draft a memorandum for Government. To be honest, it will be sometime in 2006 before the text of the ratifying legislation is made public in Ireland.

Mr. M. Higgins: I am sure the Minister agrees that the obligation to notify the arrival of stolen or hot money, as well as other obligations in the convention, may be complied with in anticipation of the adjusted legislation.

Mr. McDowell: Many aspects of the convention do not require law as they can be carried out on a voluntary basis. There is very little that we cannot do in the spirit of the convention, in advance of its implementation.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Costello — the need for the Minister to tackle the growing problem of cocaine, including crack cocaine, trafficking in Ireland; (2) Deputy Catherine Murphy — the Eastern Regional Autism Service has identified the need for a multi-disciplinary service for children with autism spectrum disorders at second level to follow on from its primary level counterpart; (3) Deputy Coveney — to discuss the future of the Victim Support service currently being provided in the Cork and Munster regions; (4) Deputy Sargent — that the Minister implement the "safeguard clause" as provided for in EU Directive 2001/15/EC; (5) Deputies Quinn, Carey and Gormley — the arrest and remanding on bail of an Irish citizen, Mr. Seán Garland, by the PSNI on 7 and 8 October; (6) Deputy Gilmore — the case of a patient (details supplied) who had to wait in A&E from 3 p.m. on Monday last until 6 p.m. on Tuesday for a bed in St. Vincent's Hospital, Dublin; and (7) Deputy Upton — to ask the Minister to address the need for change in the social welfare system to facilitate the return to education for homeless persons.

The matters raised by Deputies Ruairí Quinn, Carey, Gormley, Upton, Costello and Simon Coveney have been selected for discussion.

Adjournment Debate.

Extradition Application.

Mr. Quinn: I wish to share time with Deputies Carey and Gormley. The fact that they are from different parties is an indication of the cross-party concern at what amounts to the snatching of an Irish citizen outside this jurisdiction by the United States. I refer to the arrest on 7 October of Seán Garland on a visit to Belfast, his remand under trial the following morning on foot of a warrant executed to the US Embassy in London, where the authorities purport to extradite him

[Mr. Quinn.]

back to the US to face charges which have not been presented directly to him.

I do not dispute the legality of the charges or the right of any federal administration in any part of the world to pursue charges if they so choose. My concern is that — I am delighted that the Minister for Justice, Equality and Law Reform is here — if the US Government wanted to serve a notice of extradition and charges to Seán Garland, it could have just as easily done so through Irish courts in this jurisdiction. The fact that there is distorted legislation which gives unfair advantage to the US over citizens' rights in the UK, in my view and in the view of many people, including a list of trade unionists who wrote to *The Irish Times* two days ago, puts a very different interpretation on all of this.

Mr. McDowell: The trade unionists should take a look at the background facts.

Mr. Quinn: The presumption of innocence, as the Minister rushes out of the House, belies his partisanship in this matter. What is at issue is the right of an Irish citizen to enjoy the protections of the Constitution of this State. It is my view and the view of many others who have listened to the case that, irrespective of the merits of the case, the rights of the citizen in question have been denied. I ask the Minister of State now present to convey the concern to the US ambassador and the US authorities.

Mr. Carey: I join with Deputy Quinn and Deputy Gormley in supporting this motion. The facts, as they have been outlined, are clear. The fact it has taken five months for this warrant to be enforced and, furthermore, that it was enforced in Belfast raises important questions. The fact that a president of an Irish political party was arrested in this manner on the first night of a party conference raises questions of human rights. Human rights, such as the protection of freedom of debate, freedom of movement, etc. are enshrined in our Constitution. I do not understand why this action was undertaken in this manner.

Deputy Quinn commented on the need to engage with the authorities in the United States. I have just come from a short meeting with the Minister for Foreign Affairs and representatives of the Workers' Party, where we impressed upon the Minister the need to address these issues through appropriate avenues with the United States authorities. I do not wish to speak further except to state that I strongly support the case which has been well articulated by Deputy Quinn.

Mr. Gormley: There has been much hype about this case. A "Panorama" television programme has been broadcast and I understand that a "Spotlight" television programme has been

shown five times. It features a figure looking remarkably like Mr. Garland walking through the streets of Moscow, apparently up to no good. If we were to believe these reports and other newspaper reports, Mr. Garland stands accused of attempting to undermine the currency of the United States.

I am disturbed by the comment murmured under his breath by the Minister for Justice, Equality and Law Reform as he departed the Chamber. We need more than that because if such a serious figure was involved in such high level criminality, the Garda Síochána would know all about it, as would the Independent Monitoring Commission which published its report yesterday. Despite this, as far as I understand it, the Workers' Party has received a clean bill of health. I have not heard about the Official IRA for many years and yet this man stands accused.

As Deputy Quinn noted, the reason he was arrested in Belfast is because the standard of proof required there for an extradition is of a much lower order than in this jurisdiction. In the wake of the attacks of 11 September 2001, the United States has little time for civil liberties unless it involves one of its own citizens. Presumably that explains why it has not signed up to the International Criminal Court. The presumption of innocence until proven guilty is the corner stone of our legal system. While Mr. Garland may have political views of which the United States, Deputy Quinn, Deputy Carey and I do not approve, that is not the issue. The issue is justice. As Irish parliamentarians and as Europeans we cannot afford to abandon those hard-fought principles of justice for a legal system devised by George W. Bush.

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I am pleased to respond to this motion from three respected Members of this House representing three different political parties. Mr. Sean Garland was arrested by the PSNI in Belfast on 7 October 2005. At the time of his arrest, Irish officials at the British-Irish inter-governmental secretariat in Belfast were immediately contacted and subsequently sought clarification from the British authorities as to the basis for his arrest.

Mr. Garland was provisionally arrested on foot of a request from the United States Government for his extradition. The request for extradition was made on the basis that Mr. Garland is the subject of an indictment filed on 19 May 2005 in the United States District Court for the District of Columbia. The United States authorities want Mr. Garland to stand trial on counterfeiting charges.

As Members will be aware, Mr. Garland has been released on bail subject to the payment of surety and daily reporting to a PSNI station.

Mr. Quinn: He must also stay within the jurisdiction of the United Kingdom.

Mr. Treacy: Yes. He must remain in Northern Ireland. Mr. Garland has been instructed to reside at an address in Northern Ireland pending the receipt of appropriate documentation from the United States authorities to support the extradition request. I understand that the said documentation must be forwarded to the authorities in the United Kingdom within 65 days of the date of the initial request for extradition, that is within 65 days of 4 October 2005.

Mr. Garland has since contacted Irish officials in the British-Irish intergovernmental secretariat in Belfast. Assurances have been given to Mr. Garland that the case will continue to be monitored by the Government and that Mr. Garland had the same rights as any other citizen in that respect. I acknowledge that he is a private citizen of this nation and that he is the president of an Irish political party.

As Deputies are aware, the upholding of the rights of Irish citizens arrested outside this jurisdiction is an ongoing part of the work of the Department of Foreign Affairs. Our officials work to ensure that Irish citizens are in no way treated in a discriminatory manner and that they are provided with appropriate legal assistance at all times. Mr. Garland is fully entitled to due process and to the presumption of innocence until proven guilty.

I can confirm Deputy Carey's statement that within the last hour, the Minister for Foreign Affairs, Deputy Dermot Ahern, immediately after a meeting of the National Forum on Europe, along with Deputy Carey and Deputy Joe Higgins, has met representatives of the Workers' Party and has discussed the situation. I can also confirm to the House that a request was made to the Minister to raise this matter with the American authorities. Deputy Quinn has already raised that question and I can confirm that the Minister has given a commitment that this matter will be raised with the American authorities immediately.

Deputies will also understand that the Irish Government does not have the power to interfere in legal proceedings that take place in another jurisdiction. Such matters are for the courts alone to decide upon and, as such, it would be inappropriate for me to comment further on the details of the case at present.

Social Welfare Benefits.

Dr. Upton: I thank the Leas-Cheann Comhairle for the opportunity to raise this matter on the Adjournment. I am disappointed that the Minister for Social and Family Affairs is not present to listen to it. Three of my constituents who are homeless have managed to secure places

at college. One, to whom I will refer as Anne is 19 and has just enrolled in Liberties College for a one-year child care course. Another, to whom I will refer as Simon, is also 19 and has just enrolled in a film and media course at St. Kevin's College. A third, to whom I will refer as Sarah is also 19 and has just enrolled in Inchicore College in a full-time diploma course in social studies.

All three have several things in common. First, they all reside at St. Catherine's Foyer in the Liberties where their quest to better themselves has been facilitated and encouraged by the three dedicated staff there. Second, all three are remarkably determined individuals who have overcome many obstacles to get to this point in their lives. Anne is from Sierra Leone and was granted asylum in Ireland. Until recently, she was in a residential care home and from there was sent to St. Catherine's Foyer. Simon arrived at the foyer at the beginning of this year from hospital and completed an information technology course in June at St. Tiernan's College. Sarah, who is diabetic and who has suffered from other illnesses, decided to use her time at the foyer to find a way out of the difficulties in which she had found herself in by applying to study for the diploma in social studies at Inchicore College.

All three of these young people are very determined. However, they have something else in common. Despite the anti-poverty strategies, the commitments in Sustaining Progress, the housing plans, and the billions we spend on social welfare provision in the State on schemes such as the back to education allowance, BTEA, the education, training and development options, ETD, and the vocational training opportunities scheme, VTOS, not one of these three determined, young, homeless 19 year olds are eligible for the financial assistance they require to pay their rent and eat while they complete their courses. They fall through the gaps.

Mr. Coveney: Extraordinary.

Dr. Upton: Anne is not entitled, because having been in the care of the State since she arrived in Ireland, has not been able to build up the kind of relationship with the social welfare system that would enable her to conform to the length of time in receipt of benefits criteria stipulated under the VTOS, BTEA and ETD schemes. Worse, when Anne was discharged from the residential care home, she was referred to St. Catherine's Foyer and to no other agency that might help this enthusiastic, committed young woman better herself through education. Will we permit her to fall through the gaps?

Simon is not entitled because having been in receipt of a hospital fund payment and then a discretionary supplementary welfare allowance payment from the health board while at St. Tiernan's College proving his determination to better him-

[Dr. Upton.]

self through education, the community welfare officer at South Earl Street has now informed him that he will not be given a supplementary welfare allowance while at St. Kevin's College. Even worse, Simon has been told that the time he spent in receipt of the hospital fund payment and in receipt of a social welfare allowance will not count as part of the length of time in receipt of benefits criteria stipulated under the various education schemes. Will we let him fall through the gaps?

Sarah, who was working until recently, does not fulfil the length of time on benefits criteria either and will fall through the gaps like the other

two young people whose stories I have told unless something is done.

Sarah is somewhat luckier than Simon and Ann as she has been granted €1,500 by the Society of St. Vincent de Paul. However, she is also diabetic and has special dietary requirements, she must pay for bus fares, equipment and stationery and, even if she manages to get a maintenance grant from the VEC, she will find it difficult to remain in her course, pay her rent, eat and buy the materials she needs. Will she also be allowed to fall through the gaps?

It is a simple choice for us as legislators and for the Minister in charge. We could stand by while Ann, Simon and Sarah drop out of their courses and lose what may be their only chance to better themselves through education, drop out, sign on and receive unemployment assistance or we can find the flexibility within the current system to ensure that homeless young people such as these who have the brains and determination to succeed in bettering themselves do not fall through the gaps. They have worked hard to step back into society, get educations through the courses we encourage them to do and be given decent opportunities.

Mr. Treacy: The problem of return to education for homeless persons is primarily a matter to be addressed through the education system. Our colleague, the Minister for Education and Science, has put in place a range of initiatives in the education field to address this problem in more effective ways, as set out in the White Paper on Adult Education, Learning for Life.

The Department of Education and Science administers a range of back to education programmes under the umbrella of its employment support services to encourage and facilitate unemployed people, lone parents and people with disabilities to return to work through the acquisition and improvement of skills and academic qualifications that will enable them to compete more successfully for employment. Programmes range from basic literacy courses through to post-graduate university courses and include the back to education allowance scheme, which covers full-

time second and third level courses, the education, training and development option and the part-time education option.

The back to education allowance is a second chance education opportunities scheme 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 workforce. As previously mentioned, there are two options available under this scheme, namely, the second and third level options. Under the third level option, a person may pursue a full-time third level course of study at a recognised third level institution.

The primary aim of the back to education allowance scheme is to assist people who are unable to access the labour market due to a lack of education and who are caught up in a cycle of unemployment and disadvantage. For example, the scheme has given many people who left school early a second chance for education, which improves their prospects of getting employment. Currently, to qualify for participation in this scheme, an applicant pursuing an approved third level course of study must be at least 21 years of age and in receipt of a relevant social payment for 12 months or nine months if participating in the national employment action plan.

The scheme has recently been the subject of a programme expenditure review. One of the review working group's recommendations was that the scheme should be extended to include all of those of working age in receipt of a welfare payment. In this context, there are currently a number of homeless people who are in receipt of supplementary welfare allowance for a minimum period of 12 months. They comprise a long-term welfare group whose eligibility for the scheme will shortly be reconsidered.

Drug Seizures.

Mr. Costello: The problem of cocaine and crack cocaine has become rampant recently and there has been an explosion in usage. Cocaine was scarcely used in the 1990s. In 1994, Garda seizures of cocaine were worth €4,672 but, in 2003, they were worth €10.915786 million. A total of 167.5 kg of cocaine was seized last year with a value of approximately €500,000 per kilogram. It is estimated that the former figure has doubled again and that there is an Irish cocaine market of approximately €200 million. Crack cocaine, which scarcely existed two years ago, has become a common feature. Recently, there was a major seizure of crack cocaine in Phibsborough, one of a number of seizures that are becoming widespread.

I was contacted and asked to enter the Moore Street traders' market in the heart of Dublin recently. Various sites and persons involved in trading cocaine were pointed out to me. The

gardaí are increasing their presence in the area. However, we are effectively experiencing an epidemic of a new hard drug that scarcely existed in this country in 2000. Where it did, it only existed among so-called celebrities, the middle classes, pop stars, etc. Now, it runs rampant through the country.

The situation is different in many ways. The price of cocaine in 2000 was double the price of cocaine today, which is exactly how heroin spread throughout Ireland. Prices fell to the price of cannabis in the late 1970s and early 1980s. Pushers have done the same with cocaine, namely, halving prices. Currently, it is €70 per gram whereas it cost more than double this figure five years ago. It differs from the importers and traffickers or heroin and cannabis, where a number of major figures operating outside the country existed, because, in this instance, there is a large number of small operators who are travelling the length and breadth of Ireland. As such, there is a much larger network and its use is spreading more rapidly.

Nothing has been done by the Government in respect of this matter. The Minister of State at the Department of Community, Rural and Gaeltacht Affairs with special responsibility for drugs strategy and community affairs, Deputy Noel Ahern, put on record in 2002 that he did not regard the incidence of cocaine availability as warranting any action. Now, it is a major illegal industry here. The Minister of State must acknowledge this fact. We must refurbish, restructure and increase the number of personnel in the drugs squad because we have a new drug problem.

Heroin is widely available at present, which is why we still have addicts, but a new drug is bringing into play a whole spectrum of new addicts. The younger brothers and sisters of those who were on heroin almost regard cocaine as something exciting and safe, whereas heroin was different. A new generation is being turned onto a drug that is supposedly relatively safe, as it is perceived as the drug of the celebrity. This is not the case. It is extremely difficult to deal with in that it is more difficult for a person to undergo detox for cocaine than heroin and it is exploding in terms of its availability and use.

While we do not yet have the relevant figures for 2005 but which are thought to be twice 2004's, the seizure of 167 kg last year is only the tip of the iceberg. The Garda Síochána recognise that the most it expects to see is only 10% to 15%. Before it is too late, let us not continue to bury our heads in the sand and pretend this new epidemic is not upon us. Let us take some robust action for a change to try to deal with this issue.

Mr. Treacy: The Government is aware of the increased prevalence of cocaine usage in Ireland

recently. This mirrors an increase in the availability and usage of cocaine in Europe generally.

Mr. Costello: Our levels are much higher than in the rest of Europe.

Mr. Treacy: It is believed that high levels of production of the drug in a number of Latin American countries is being driven by an increased focus by suppliers on Europe as a prime market for potential growth in cocaine consumption.

The National Drugs Strategy 2001-08 addresses the problem of drug misuse across a number of pillars, including supply reduction, prevention, treatment, rehabilitation and research. Implementation of the strategy across a range of Departments and agencies is co-ordinated by the Department of Community, Rural and Gaeltacht affairs. In this way, efforts to tackle drug abuse, including cocaine abuse, are broadly based to include measures aimed at both supply and demand reduction, including awareness initiatives. The criminal justice response is primarily, although not exclusively, in the area of drug supply control.

The national strategy specifies a number of supply reduction targets for the Garda Síochána in terms of all drug seizures and notable successes have been achieved. Details of the volume of cocaine seizures over the period 2000-04, inclusive, are 18 kg in 2000, 5.3 kg in 2001, 31.7 kg in 2002, 107.4 kg in 2003 and 2004 a provisional figure of 167.3 kg in 2004.

Garda strategies for dealing with drug offences are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs, including cocaine. All these strategies are based on a number of underlying principles, namely, focusing on all aspects of drug trafficking including the importation, transportation and distribution of illicit drugs; the gathering of intelligence on all individuals and organisations involved in the distribution of drugs, including the support structures underpinning this activity; conducting targeted operations on criminal networks based on intelligence gathered; and working in collaboration with other law enforcement agencies, both within and outside the jurisdiction, to address the national as well as international aspects of drug trafficking and distribution.

These strategies continue to result in ongoing operational successes, including successes against cocaine trafficking. The trafficking and distribution of all illicit drugs, including cocaine hydrochloric and freebase, popularly known as crack, at local, national and international levels is constantly monitored by the Garda Síochána.

The Criminal Justice Bill before the Houses of the Oireachtas, provides a comprehensive package of anti-crime measures which will enhance

[Mr. Treacy.]

the powers of the Garda in the investigation and prosecution of offences, including drug offences.

Mr. Costello: That is a load of rubbish.

Mr. Treacy: The Bill includes provisions on search warrant powers for the Garda and admissibility of statements by witnesses who subsequently refuse to testify or retract their original statements. Moreover, the Minister is finalising further legislative proposals to provide for criminal offences regarding participation in a criminal organisation and to strengthen existing provisions relating to the ten-year mandatory minimum sentence for drug trafficking.

In addition to the implementation of actions under the various pillars of the national drugs strategy and projects and initiatives undertaken by local drug task forces, earlier this year the Minister of State with responsibility for the national drugs strategy, Deputy Noel Ahern, approved funding of approximately €400,000 for a number of pilot cocaine projects.

Mr. Costello: That would not buy a kilo of cocaine.

Mr. Treacy: I do not know the market price. This funding is being used for the establishment of four pilot treatment interventions for specific groups, such as intravenous cocaine users and problematic female cocaine users, for the training of frontline staff in both the community and statutory sectors dealing with cocaine users and for the development of educational material outlining the dangers associated with cocaine use. All of this work is under way. Moreover, the third phase of the national drug awareness campaign is focused on cocaine use.

Mr. Costello: That is pathetic.

Mr. Treacy: The Minister can assure the House of his commitment and that of the Government to ensuring that the necessary strategies and measures are in place to tackle the problem of cocaine.

Mr. Costello: Nothing is happening, unfortunately.

Mr. Coveney: That was an extraordinary response. I appreciate the Minister of State did not write it. Cocaine is a huge problem.

Crime Victims.

Mr. Coveney: My motion also concerns crime, but it relates to how victims of crime are treated, and the need to continue the services provided by Victim Support in the Cork and Munster region.

Financial support for the Victim Support organisation ceased on 31 March this year. I am aware of the reasons that happened and I do not wish to get into the merits of that debate. I hope the Minister of State's response does not waste too much time with it.

A commission was established and allocated a budget to make recommendations on how we should support victims of crime and what structures are necessary to do so. I do not have a difficulty with that approach. The problem is that Victim Support offices in Munster continue to function without State assistance. They continue to receive referrals and survive on volunteer work and private donations because no other structure is in place.

The main Victim Support office in the Munster region happens to be 50 yards from my constituency office in Cork, appropriately across the road from the Garda station on Anglesea Street and next door to the district courthouse. That office is busier than ever and last month alone approximately 40 referrals were made from doctors, the Garda and the Courts Service. It also deals with a large number of self-referrals.

The *status quo* is not sustainable. The service running out of funds and private donations pay the rent. My concern does not lie with the retention of the name or reputation of Victim Support but with the service itself and the good people involved who provide a vital service. The commission is probably considering two options. One is to restore the Victim Support organisation nationally, perhaps with new management. The second is to develop regional structures, perhaps under a new name and with a new board of management.

The Minister must take an interest in this because if the situation continues and decisions are not made in the near future, the expertise and voluntary staff will be lost. This valuable resource for the victims of crime is being allowed to die a slow death while we wait for commission recommendations. We cannot allow these volunteers to dissipate because if they do, they will start to work in other sectors and they will not return. Approximately 110 volunteers work in the Munster region, and 80 of them are described as high quality and can ill afford to be lost. The organisation has ten branches throughout Cork city and county, Kerry and Limerick.

I know how vital the work done by the organisation is to the Garda, the doctors who make referrals and the courts because I work next door to its office. The Minister of State may well reply that it is the responsibility of the commission to find an answer and provide the resources. The fact remains that it is the responsibility of the Minister for Justice, Equality and Law Reform to ensure that victims of crime are looked after and that we have proper well-funded structures to do that. However, the system is in danger of falling

apart. I hope for a comprehensive response from the Minister of State that will give an optimistic outlook on what is likely to happen during the coming weeks.

Mr. Treacy: Victim Support is an independent voluntary registered charity and is a company limited by guarantee. The Department of Justice, Equality and Law Reform does not have a seat on the board and has had no role regarding the appointment of the board or staff of Victim Support. The Department had been *de facto* the main funder of Victim Support, particularly in recent years, although not its only source of income. A total of €5.5 million was made available during the last five years.

In recent years, particularly since mid-2003, tensions in the organisation gave rise to grave concerns on issues of governance, accountability for public funds, value for money and, most particularly, the delivery of services to victims of crime. A number of meetings took place with the various configurations of its board during 2003, 2004 and early 2005 with a view to developing the basis for a recovery of the organisation's service levels and stabilising governance.

In December 2004, with the co-operation of the Victim Support interim board, staff and volunteers, the Department commissioned an independent review of the state of play within the organisation and of the prospect, if any, of organisation recovery. The review report, delivered in February 2005, while praising the commitment and dedication of many of the volunteers locally, concluded that the organisation was terminally damaged and that there was little or no prospect of recovery. After careful consideration, the Minister decided that further funding of the Victim Support organisation could not be justified. Arising from the prospect of Victim Support's ongoing inability to deliver services to victims of crime, the evolution of thinking as regards victim provision generally and in light of the requirements of the EU framework decision on the standing of victims in criminal proceedings, the Minister concluded that the model of funding through the Victim Support organisation was no longer viable.

In that context, on 8 March 2005, the Minister, with the approval of the Government, established a new Commission for the Support of Victims of Crime to devise an appropriate support framework for the future and to disburse funding for victim support measures. The commission's term of office is for three years and its members are Mr. Jim McHugh, retired Assistant Commissioner of the Garda Síochána, chairman, Ms Nora Owen, former Minister for Justice, Mr. Seán Lowry, former head of the Probation and Welfare Service, Mr. Michael Whelan, Gemini Consulting and Ms Marian Finucane, broadcaster.

The Department of Justice, Equality and Law Reform provides administrative support for the commission. Its remit includes the examination of all aspects of the provision of services for victims of crime within the criminal justice system. These provisions are currently set out in the Victims' Charter, last updated in 1999.

In addition, the commission will supervise the disbursement of funds to community and other voluntary groups providing victim services, with a particular emphasis on the funding of activities on the ground that provide direct supports for victims of crime. The commission received over 60 applications for funding in response to a public advertisement earlier in the year. It is entirely independent in its decision making and will examine each application on its merits. It has approved ten projects for funding so far this year and a number of others are under consideration.

The commission received separate applications for funding from a number of former elements of Victim Support as well as from that organisation itself, including some of the specialist services, individual branches and a larger grouping of branches that have formed a new organisation, the Federation for Victim Assistance. One of the applications came from the Mayfield branch of Victim Support.

As I have said, the commission is entirely independent in its decision making and will examine each application on its merits. At the same time, it must satisfy itself as regards the accountability of any entity making application to it and that service delivery can be assured on an ongoing basis. The commission is now providing funding support to a number of specialist services, formerly part of Victim Support, that made independent submissions for funding. These services are — or will be — provided on a national basis.

The commission had meetings with the interim board of Victim Support and with officers of the new Federation for Victim Assistance in the last few days in the context of examining their applications for funding. Among the issues discussed with both groups were governance and structures, arrangements for the delivery of services on the ground, the prospects for co-operation with other groups providing victim services and plans for future development.

A particular difficulty arises, however, in services in the Cork and Munster region. Some of the branches have been included in the Victim Support application and one is included in the Federation for Victim Assistance application. In recent days, a new application has been received from a grouping of ten branches in Cork and greater Munster which are already included in the Victim Support application but which now want to be considered separately for funding. The House will appreciate that it is difficult for the commission to be confident about governance, accountability and in particular the capacity of

[Mr. Treacy.]

these groups to deliver a quality service to victims in the light of the obvious uncertainties and apparently changing allegiances of the various branches. At the same time, it is anxious to ensure that services to victims of crime are available as widely as possible, and considers that building on the undoubtedly excellent work of the volunteers at ground level is the best way to achieve this objective for the future.

We must not lose sight of the core issue, and that, of course, is the delivery of services to per-

sons in our communities who have fallen victim to a crime. In that respect, the Minister is determined to ensure that a quality service to the victims of crime is put in place in Cork, in Munster and in all other areas of the country. The commission will reflect carefully on all the information available to it in coming to its decision on all of these applications.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 25 October 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 10, inclusive, answered orally.

International Agreements.

11. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the Government's plans with regard to the United Nations Convention on Corruption as to its ratification; the proposals for its implementation; and if he will make a statement on the matter. [27213/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The *ad hoc* committee for the negotiation of a UN convention against corruption met at regular intervals at the UN in Vienna from January 2002 to October 2003. The convention opened for signature in Mexico on 9 December 2003 and was signed by Ireland on that date.

In April of this year a transmission was received by from the Commission which declared that regarding the UN Convention against Corruption: "the Commission notes that this Convention partially falls under the exclusive competence of the Community. For this reason, the Commission recalls that Member States must not ratify the Convention before the EC has done so, or has explicitly authorised them to do so, in accordance with the provisions of Article 300 EC." The Community signed the convention on 15 September 2005 and the convention will enter into force on 14 December 2005. A conference of state parties will take place in November of next year.

In the meantime, officials in my Department have been examining the convention with a view to identifying the necessary legislation which will be required to allow Ireland to ratify it. This examination is being conducted through consultation with the Attorney General's office. It is envisaged that this exercise will be completed in the near future and, subject to Government approval, that drafting of the necessary legislation will be commenced thereafter.

Garda Deployment.

12. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform his views on the setting up of an independent traffic police force to release the Garda Síochána from time consuming duties in policing road traffic and related matters; and if he will make a statement on the matter. [29642/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am convinced that the Garda Síochána is by far the most appropriate structure within which to locate the enforcement of road traffic law and road safety. Road traffic offences are serious offences, which too often lead to fatalities and serious injuries. One of the main strategic goals in the Government Road Safety Strategy 2004-2006 and the Garda Síochána corporate strategy 2005-2007, which reflects Government policing priorities, is reducing the incidence of fatal and serious injury collisions on our roads. The Garda Síochána gives a high priority to meeting this and its other strategic goals. I believe that it is through a unitary police force, meeting all its strategic goals in a mutually reinforcing and integrated way, that we can best prevent death and serious injuries on our roads. I also believe that this follows international best practice.

Last November I announced a highly significant initiative in this area, the establishment by the Commissioner of a Garda traffic corps with a dedicated budget and staff structure. Furthermore, as a result of the Government's approval of my proposal to increase the strength of the Garda Síochána to 14,000 members, the Garda Commissioner will be in a position, as each cycle of recruit training is completed, to assign additional new members to the areas of greatest need with particular regard to certain priorities. These priorities will include the traffic corps, which is in the process of increasing its numbers from 520 members to its planned staffing complement of 1,200.

Also last November, I published the Garda strategic review of traffic policing. The strategic review is the blueprint for a transformation in the enforcement of road traffic law. A key recommendation of the strategic review is that a new position of assistant commissioner in charge of all aspects of road traffic law should be created. The Government subsequently approved the appointment of an additional Garda assistant commissioner and the Commissioner appointed an assistant commissioner with responsibility for all traffic matters, including the traffic corps, and implementation of the recommendations contained in the strategic review of traffic policing. The assistant commissioner is a member of the top management team in the force and, as such, is bringing authority and visible leadership to the traffic corps and traffic law enforcement generally from the outset.

Never before has road traffic safety been given this level of priority within the Garda Síochána. I believe that the Garda traffic corps, with new visible leadership, increased strength, expanded fleet, dedicated budget, clear strategy and tough targets, will provide an extremely effective traffic management resource which will reduce the number of injuries and fatalities on our roads.

[Mr. McDowell.]

The Deputy may also be aware of my plans to establish a Garda reserve as provided for in the Garda Act. The purpose of the Garda reserve, which is a standard feature of policing in many other common law countries, will be to assist the Garda Síochána in the performance of its functions, including policing road traffic and related matters. I have asked the Garda Commissioner to submit proposals to me for the reserve, addressing all relevant recruitment, training and development issues.

Garda Disciplinary Proceedings.

13. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if he will be taking action, as provided for in the Garda Síochána Act 2005, calling the Garda Commissioner, Noel Conroy, to account for his failure to carry through his commitment to transfer five gardaí from Donegal to Dublin in June 2005; and if he will make a statement on the matter. [29733/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The current position in respect of the five members of the Garda Síochána in question is as follows. One member was transferred on 24 June 2005 but is now absent without leave and has been taken off the payroll. One member retired from the force before his transfer was to come into effect. One member appealed his transfer to the assistant commissioner, human resource management. This was refused but the transfer has not yet taken place because the member is currently on sick leave. One member appealed his transfer to the Commissioner. This was refused but the transfer has not yet taken place because the member is currently on sick leave and suspended from duty. One member has taken his appeal to the transfers review body, the third and last stage in the appeals process, and his case was heard on Monday, 10 October. The outcome of this appeal will be known shortly.

It is clear from the foregoing that the Garda Commissioner has taken all available steps to effect each of the proposed transfers. Of course, due process and the right of appeal must be observed but if we stand back from the detail and look at the position as a whole, we can see that of the five gardaí concerned, one has retired, one is suspended and one is no longer on the payroll. Of the remaining two members, one is on sick leave and one is awaiting the outcome of his appeal to the transfers review body.

There is no question, therefore, of the Commissioner having “failed” in his duties in this matter. I have the utmost confidence in the ability and commitment of the Commissioner to ensure the highest standards of discipline in the Garda Síochána.

International Agreements.

14. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if representatives from his Department or associated agencies have travelled to Nigeria to monitor the implementation of the readmission agreement entered into with the Nigerian Government in August 2001 (details supplied), under which the Irish Government has committed itself to safeguarding the human rights and dignity of those being returned when repatriation has taken place; the details of such visits to Nigeria; and if he will make a statement on the matter. [29731/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to his Priority Question No. 3 of today’s date, which sets out my position in the matters raised.

Garda Strength.

15. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when the 2000 extra gardaí promised in the programme for Government will be on the streets; and if he will make a statement on the matter. [29713/05]

159. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the exact number of gardaí recruited and trained out the total of the 2,000 extra gardaí promised in the programme for Government; and if he will make a statement on the matter. [29983/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 15 and 159 together.

The Deputy will be aware that in October 2004 the Government approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with 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.

As part of the accelerated recruitment campaign to facilitate this process, it is intended to induct 1,100 Garda recruits this year and for the next two years, by way of intakes to the Garda College of approximately 275 recruits every quarter. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. I should add that this accelerated recruitment process is fully on target. The first three quarterly intakes of approximately 275 recruits in 2005 have taken place on schedule, with the fourth intake due to commence training on 7 November 2005.

Achieving this level of recruitment has required a significant expansion in the capacity of

the college and a major new administration building is being constructed to facilitate this. This project is on schedule and will be completed before the end of this year. In addition to the significant expansion in the capacity of the college which is underway, in-service training courses transferred to an outsourced centre at the Abbey Court Hotel, Nenagh, in April of this year, allowing the Garda College to concentrate on recruitment training.

This major recruitment drive has also been accompanied by significant changes to the entry requirements for the Garda Síochána. In advance of last year's recruitment competition, I raised the maximum age for applicants from 26 to 35 and quite a number of successful applicants have come from within the extended age range. Prior to the current recruitment competition, I made further and significant changes to the entry criteria with a view to removing barriers to entry from Ireland's growing multinational communities. Key among these is that the requirement to hold a qualification in both Irish and English in the leaving certificate or equivalent has been replaced by a requirement to hold a qualification in two languages, at least one of which must be Irish or English.

These new changes will open up entry to the Garda Síochána to persons in Ireland from all parts of the community and from all ethnic backgrounds. This is a highly significant step towards ensuring that future intakes of recruits to the Garda Síochána will reflect the composition of modern Irish society, to the benefit of the force and the people it serves.

Garda Investigations.

16. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform about the delay in establishing an inquiry into the circumstances in which Dean Lyons confessed to a murder while in Garda custody in 1996; and if he will make a statement on the matter. [29772/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 27 June, I appointed Mr. Shane Murphy SC to conduct an independent review and undertake a thorough examination of the Garda Síochána papers relating to the making by Mr. Dean Lyons of false inculpatory statements in the course of the Garda investigation into the murders of Mary Callinan and Sylvia Shiels on 6/7 March 1997.

Mr. Shane Murphy carried out his task in a timely manner and submitted his report to me towards the end of the summer. While his investigation was very thorough, he has identified certain issues which he considers can only be resolved by establishing a commission of investigation under the Commissions of Investigation Act 2004. I have considered the matter and am

exploring with my colleague, the Minister for Finance, the option of establishing such a commission of investigation, including what the appropriate terms of reference would be.

The Deputy will be aware that the Commissions of Investigation Act 2004 sets out the procedures which must be followed before a commission of investigation can be established. The approval of the Minister for Finance, the Government and a resolution passed by both Houses of the Oireachtas is required.

Departmental Bodies.

17. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the number of operational sections in his Department in each year since 1997; the number of employees in each section since 1997; and if he will make a statement on the matter. [29748/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As Minister for Justice, Equality and Law Reform, I am responsible for the administration of the Department and a number of associated bodies and agencies which come within my Department's remit. There are currently over 20 offices, agencies and associated bodies under the aegis of my Department which carry out a range of diverse functions. These include head office, asylum services, the Data Protection Office, Garda civilians, Garda Complaints Board, Land Registry, probation and welfare service, the Equality Tribunal, the Forensic Science Laboratory and the Film Censor's office, to name but a few. The approved staffing for this wide range of areas is 3,723.

My Department is structured around ten main areas based around its key functions. These include law reform, Garda and crime, prisons and probation, the executive office of the Irish naturalisation and immigration service, INIS, equality, child care and business support. Each of the main areas comprises one or more divisions and is headed by a member of the management advisory committee. Details of the associated agencies and bodies are set out in table 1.

The overall staffing levels of the various divisions within the Department and associated bodies and agencies within the wider justice and equality sector is determined, within the authorised numbers sanctioned by my colleague, the Minister for Finance, in accordance with Government policy. The allocation of staffing within the approved numbers is a matter for the senior management of my Department and decisions are taken having regard to the Department's ongoing mandate and policy priorities as set down in the programme for Government and the Department's strategy statements.

In 1997, the approved staffing of the Department, for head office and the associated areas

[Mr. McDowell.]

which I have outlined earlier, was in the region of 2,500. In the period 1997 to 2002 this number was increased to 3,841. In 2005, the figure is 3,723. It will not be possible to provide the Deputy with the annualised figures sought as the compilation of this information would involve a disproportionate amount of staff time and effort to prepare and could not be justified in circumstances where there are other significant demands on resources.

A key factor in the increase in staff within the Department between 1997-2002 relates to the expansion of the asylum area to deal with the massive increase in the numbers of people seek-

ing asylum and refugee status in Ireland in the late 1990s and early 2000s. A number of agencies and associated bodies were also established in this period — see table 1. With effect from December 2002, public sector numbers were capped on foot of a Government decision and my Department operates within this authorised number of staff and allocates these staff in accordance with the Department's priorities.

My Department's main areas of responsibility cross many significant areas of public policy and administration. The organisation of the Department and the allocation of staffing across the Department and its agencies and associated bodies reflects the Department's key functions and objectives.

Table 1

Agencies and associated bodies including those established since 1997

Offices/Agencies under the aegis of the Department	
Censorship of Publications Office	Land Registry/Registry of Deed
Courts Service — Est. November 1999	Legal Aid Board
Criminal Injuries Compensation Tribunal	National Crime Council — Est. July 1999
Equality Authority — Est. October 1999	National Disability Authority — Est. 1999
Equality Tribunal — Est. October 1999	Office of the Refugee Applications Commissioner — Est. 20 November 2000
Forensic Science Laboratory	Office of the Data Protection Commissioner
Garda Síochána	Parole Board — Est. April 2001
Garda Síochána Complaints Board	Private Security Authority — Est. November 2004
Irish Film Censor's Office	Probation and Welfare Service
Irish Prison Service — Est. November 2001	Reception and Integration Agency — Est. 2 April 2001. Originally established as DASS — Directorate for Asylum Support Service Services in 1999
State Pathology Service	Refugee Appeals Tribunal — Est. 20 November 2000

Please note, separate staffing arrangements are in place for the following bodies: the Garda Síochána, Irish Prison Service, Legal Aid Board and Courts Service.

Proposed Legislation.

18. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if the Minister for Health and Children abandons the proposed Alcohol Advertising Bill which is due to be published before the end of 2005, will he take ownership of the Bill, publish it when it is ready and process it through the Oireachtas; and if he will make a statement on the matter. [29757/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that while I have general responsibility for the liquor licensing laws in my capacity as Minister for Justice, Equality and Law Reform, certain other Ministers, and their respective Departments, have responsibilities with regard to particular aspects. The latter include road safety legislation, public health aspects, consumer policy, matters relating to advertising and education policies on alcohol consumption. Matters relating to advertising of alcohol products fall within the areas of responsibility of the Minister for Health and Children and

the Minister for Communications, Marine and Natural Resources.

Prison Building Programme.

19. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if he will proceed with his proposal to build a new prison at Thornton Hall; the way in which he proposes to respond to the decision of Fingal County Council to initiate an area conservation order for the site; if he proposes to demolish the Mountjoy complex; and if he will make a statement on the matter. [29766/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The proposal to develop a prison complex at Thornton Hall is proceeding subject to the relevant planning procedures. The decision of Fingal County Council to initiate an architectural conservation order for the site will be taken into account in the context of the statutory procedure provided for in the Planning and Development Act 2000. The Mountjoy complex

will, when vacant, be made available for re-development.

Garda Communications.

20. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform when he will have the proposed Tetra digital communications system installed and available to the Garda Síochána; and if he will make a statement on the matter. [29769/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Priority Question No. 4 today.

Garda Operations.

21. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform when he proposes to introduce a scheme of community policing as provided for under the Garda Síochána Act 2005; and if he will make a statement on the matter. [29780/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Work is underway, involving my Department, the Garda Síochána, the Department of the Environment, Heritage and Local Government and the Department of Community, Rural and Gaeltacht Affairs, on drafting the guidelines which I, after consulting with my colleagues, the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs, will issue concerning the establishment and maintenance of joint policing committees by local authorities and the Garda Commissioner, as provided for in the Garda Síochána Act 2005. I expect this work to be completed shortly, after which I will make a statement on the commencement of the relevant sections of the Act.

Child Care Services.

22. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if he is carrying out an assessment of child care needs; his estimate of the number of children already taking up child care options; the extent to which they are in the informal and the formal economy; and if he will make a statement on the matter. [26687/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Equal Opportunities Child-care Programme, EOCP, 2000-2006, which is implemented by my Department, has been an important landmark development in Irish child care policy. As this very successful investment programme draws to its final stage, the full range of child care issues and how we should best address them are being critically examined in a number of fora.

In addition to consideration at cross-departmental level, a number of respected bodies have issued, or are about to issue, informative reports. These include the recent reports of the National Women's Council of Ireland, NWCI, and the National Economic and Social Forum, NESF. The National Quality Framework for Early Childhood Services is expected to be published shortly by the Centre for Early Childhood Development and Care, CECDE, as is the Early Years Curriculum by the National Council for Curriculum Assessment, NCCA. A report due to issue from the National Economic and Social Council, NESC, is also expected to make some recommendations regarding child care.

Policy on child care provision in Ireland would appear to be at an important watershed and I believe it is crucial that a long-term outlook is adopted on what is a critical issue for parents and children as well as being an important strategic issue for Ireland. My Department has been at the forefront of these developments through the EOCP and I hope to continue this role and its valuable contribution to future Government policy in this area.

Before turning to the EOCP and its role in policy formation, both at its inception and into the future, I wish to outline some of the difficulties which currently limit a complete statistical analysis of child care needs. In 2004, the National Children's Research Centre carried out a detailed analysis of all official data sources on children and childhood in Ireland. It concluded in its report "Counting our Children" that while, by international standards, Ireland scored well in the collection of a wide array of data on children, there were still significant data gaps, particularly in data in respect of pre-school and primary school age children.

The principle data sources available at present on child care arrangements in Ireland include: the ESRI 1997 survey of child care arrangements, the 1999/2000 national child care census report carried out by Area Development Management, ADM, Ltd. and the CSO special module on child care published in the fourth quarterly national household survey in 2002. These studies do not present a complete picture of child care usage as they did not distinguish between the type of facilities attended and tended to be very narrowly focused.

A more detailed module on child care is expected to be undertaken by the CSO in early 2007. In the interim, while it is not possible to undertake a thorough statistical assessment of child care needs, experience gained from the operation of the EOCP provides a good basis for future planning. In addition, structures developed under the EOCP, such as the establishment of 33 city and county child care committees, provide valuable information at a local and national level.

[Mr. McDowell.]

Since 1990, women's labour force participation rates have risen by two thirds. In particular, it is the case that for women with children, the participation rate, and the likelihood of being in full-time employment, is higher the younger the child. The ESRI study found that, in 1997, the most widely used forms of child care were centre based. These included sessional services, full day services, crèches, nurseries and pre-schools. The bulk of these services were confined to morning sessions. The study also found that 16% of children in households where mothers did not work in paid employment availed of paid child care. This compared with 58% of children in households where mothers worked full time in paid employment.

Childminding in the minder's home was the second most commonly used form of child care and the most commonly used child care arrangement for women in paid employment. Childminders were found to be used by 14% of mothers whose youngest child was under four years and by 3% of mothers whose youngest child was five to nine years. The CSO special module in 2002 found that some 75% of families availing of child care used the services of either paid or unpaid relatives or those of a childminder rather than a centre based service. About 11% of parents of pre-school children used a crèche or other centre based facility. Many parents used a number of care arrangements for their children.

A further source of data is provided by through the child care notification system operated by the Health Services Executive under the provisions of the Child Care (Pre-School Services) Regulations 1996. By the end of 2004, approximately 80,000 child care places had been notified. The types of services normally obliged to notify to the HSE include pre-schools, playgroups, day nurseries, crèches, childminders caring for more than three pre-school children and other similar services catering for pre-school children.

Prior to the EOCP, Ireland relied largely on the private sector to provide early childhood care and education. With the identification of child care as an investment priority under the National Development Plan 2000-2006, this Government embarked on the EOCP as an ambitious investment programme for child care. Funding for the programme now stands at €499 million, €181.8 million of which is provided by EU structural funding.

The statistics generated by the EOCP provide useful indicators for the future planning of child care service provision. To the end of August 2005, 3,400 grants have been approved, of which 1,500 are capital grants and 1,900 are current funding grants. A total of 816 of the capital grants were made to private sector providers. By the end of June 2005, 26,000 new child care places had been created while 23,000 existing places were being

supported. It is now projected that 38,500 new places will have been created by the end of the programme. The staffing costs of some 2,300 child care workers are supported under the EOCP in areas of disadvantage. Childminders have also been targeted under the programme's quality enhancement measures and almost 1,000 have used the voluntary notification system put in place.

I believe the work of the EOCP provides a sound foundation on which to move forward to a new programme of investment based on sound strategic planning. At the same time, I recognise the need for further data collection and propose to take the necessary steps to ensure that this proceeds, through the CSO and other available resources, at the earliest possible date.

With regard to the Deputy's question regarding the extent to which child care is provided through the informal and formal economies, roughly 80,000 places are provided by the formal sector who have notified to the HSE under the child care regulations. It is not possible to measure the amount of child care provided in the informal sector since childminders minding less than three children are not obliged to notify the HSE and, therefore, there is no data base on this sector apart from the 1,000 or so who have availed of the voluntary notification system put in place by the Department of Health and Children.

Ministerial Appointments.

23. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform when he proposes to seek approval for his recently selected three person Ombudsman Commission for the Garda Síochána; and if he will make a statement on the matter. [29750/05]

25. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the criteria he employed for the appointment of the three members of the Ombudsman Commission under the Garda Síochána Act 2005; the reason he did not resort to a public tendering process; and if he will make a statement on the matter. [29773/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 23 and 25 together.

The method of selection of the members of the Garda Síochána Ombudsman Commission is set out in the Garda Síochána Act 2005, which provides that they are to be appointed by the President on the nomination of the Government and the passage of resolutions by both Houses of the Oireachtas. I am pleased that progress has been made on the selection of the members and I expect to bring proposals to Government shortly. Following Government approval, I will bring the necessary resolutions to the House and there will

be an opportunity for debate on the appointments at that time.

In making the nominations, the Government will, as required by the Act, satisfy itself that the nominees have the appropriate experience, qualifications, training or expertise for appointment to the Ombudsman Commission.

Garda Investigations.

24. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the nature of his investigation into the case of a person (details supplied); if he has satisfied himself with the Garda investigation carried out at the time; and if he will make a statement on the matter. [29741/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am currently considering my response to a number of communications received by and on behalf of the person in question dealing with, *inter alia*, the matters raised by the Deputy. My response will issue in due course.

Question No. 25 answered with Question No. 23.

Garda Deployment.

26. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gardaí who are on sick leave; the length of time each has been absent from work; and if he will make a statement on the matter. [29747/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí unavailable for service due to illness, ill health, incapacity or otherwise on 17 October 2005 was 88. This refers to those members of the Garda Síochána who are on long-term sick leave. I am further advised that the total number of other gardaí who are absent through illness on any specific day is not readily available and that this information could only be obtained by the expenditure of a disproportionate amount of Garda time and resources.

Child Care Services.

27. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will report on progress over the past 12 months in expansion of the equal opportunities child care programme; and if he will make a statement on the matter. [29647/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The current seven year Equal Opportunities Childcare Programme, EOCP,

2000-2006 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. The EOCP aims to increase the supply of centre based child care places by 55%, some 31,372 places, by programme end. It also aims to provide support and assistance to the many childminders who are providing a child care service across the country. In addition, the programme encompasses many quality issues which were identified in the child care strategy and aims to ensure that there is co-ordination in the delivery of child care services nationwide.

The total funding committed under the EOCP over the past 12 months amounts to almost €181 million, of which almost €169 million has been allocated to child care facilities and over €12 million to quality improvement measures. It is projected that this funding will create some 8,450 new child care places and will support some 2,960 existing places. Total funding committed under the EOCP from the start of the programme to the end of September 2005 amounts to over €450.5 million, of which over €395 million has been allocated to child care facilities and over €55 million to quality improvement measures.

It is projected that this funding will create some 39,000 new child care places and will support over 31,500 existing places. By the end of June 2005, some 26,000 of these new child care places were already in place. A significant part of the remaining funding will be required for continuing support to existing projects and for the provision of capital grant assistance for the development of child care facilities in areas where there are gaps in service provision.

The level of demand for capital grant assistance was such that my Department 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 2005-2009 in the context of the 2005 budget.

Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 EOCP. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments, for which €205 million has been set aside. Since budget day last year, I have announced a record allocation totalling almost €119 million in capital funding to community based not for profit groups and private child care providers.

The availability of the additional capital funding will enable the programme to make further capital grant assistance available to groups which

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address significant child care service gaps and where the project proposal represents good value for money when considered against the current guidelines on building costs. I hope to announce further significant capital commitments before the end of 2005 and thereafter.

Staffing funding under the EOCP is also made available to help support the staffing costs of those community based/not for profit projects which can demonstrate that they are providing child care in areas of significant disadvantage and that they are supporting disadvantaged parents to access employment, education or training. Over 830 community based, not for profit groups receive ongoing staffing grant assistance, with over €30 million of EU and Exchequer funding going to this measure each year. It was originally envisaged that some groups would receive such funding for a period of three years, as they move towards sustainability which would normally be achievable when the service is operating at full capacity and with an appropriate fee structure.

My Department has recently approved continuation of the existing levels of staffing grant assistance until 31 December 2007 for all groups whose first three year funding had elapsed. These groups have been informed of this decision and that this funding is subject to maintaining their forecast levels of service and implementing any conditions associated with the development of the service with regard to previous grant approvals.

I am satisfied with the performance of the 33 city and county child care committees, CCCs, during the last year. These were established in 2001, to prepare and deliver a five year child care development strategy plan to address the specific child care needs of each local area. To implement its strategy plan, each CCC prepares an annual action plan, which is funded under the quality measure of the Equal Opportunities Childcare Programme, EOCP, 2000-2006. This year, over €7.6 million was allocated to the 33 CCCs for the implementation of their 2005 action plans.

Annual funding was also approved to the 33 CCCs for the implementation of the national childminding initiative, specifically targeted at childminders, who play a key role in the delivery of child care. A sum of €965,000 was allocated to this initiative in 2005, which supports training, networking, information needs and a quality awareness programme of lectures. The quality awareness lecture programme, and other training courses provided by the CCCs between January 2004 and June 2005, were attended by 3,362 childminders.

Funding is also available under this initiative to childminders to enhance their service, through small developmental capital grants of up to 90% of the total cost, with a maximum of €630. I made available a funding allocation of €1.89 million for

this purpose in 2004. However, as the numbers seeking the grants were less than anticipated, this allocation was carried over to 2005. My Department is currently reviewing the childminders grants element of the EOCP to assess the future needs in this area.

I am also pleased to report that the working group on school age child care, which was established in 2004 by the national child care co-ordinating committee, published "School Age Child-care in Ireland". In this report, which I launched in June this year, a number of recommendations to promote the development of school age child care, including the use of existing school facilities where this is both possible and appropriate, were made. In September, my Department launched a new initiative with the city and county child care committees, to implement these recommendations at local level. The committees are due to report back to me by the end of 2005 on progress to date and, from these reports, detailed actions plans for 2006 will be drawn up and implemented. The Department of Education and Science is supporting this initiative, both at national and local level through its regional education officers.

Garda Disciplinary Proceedings.

28. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of gardaí who are suspended from the force; the length of suspension in each case; if they will receive their full salary for the duration of the suspension; and if he will make a statement on the matter.
[29746/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the number of gardaí currently suspended is 27, all ranks, which represents about 0.2% of the force. Of these 27 members, the vast majority, 23 members, are suspended for a year or less. However, I have learnt from the information supplied to me on foot of the Deputy's inquiry that four members are suspended for considerably longer periods.

I am very concerned that lengthy court proceedings lie behind these four cases of lengthy suspension and I am examining whether strict maximum time limits for suspension can be introduced in statutory regulations. One member has been suspended for as long as nine years. This is not acceptable. I am informed by the Garda authorities that the member concerned was the subject of a complaint to the Garda Síochána Complaints Board, which recommended that the member be dismissed. I am told that the member has taken judicial review proceedings which were heard recently in the High Court and that a decision is awaited.

Another member is suspended for seven years. I am informed that the member was due to

appear before a board of inquiry under Garda discipline regulations but that this member also has taken judicial review proceedings in the High Court and that a date for hearing is awaited. The third member has been suspended for four years. This member is the subject of criminal charges currently before the criminal courts. The member has taken High Court proceedings seeking to prohibit the continuance of the prosecution and a date for hearing is awaited. The fourth member has been suspended for two years. This member is the subject of criminal charges currently before the criminal courts and a hearing date is awaited.

I am asking the Garda Commissioner for a report on what steps have been taken in the management of these cases to resolve, one way or another, the legal proceedings which have prevented the completion of the disciplinary process. I am asking the Commissioner, too, for his views on how best to ensure as far as possible that significant delays are avoided in future disciplinary cases. I have no doubt that the Commissioner's response will take into account the greatly strengthened powers of dismissal which the Garda Síochána Act 2005 has given him.

On the question of salaries, I have been informed by the Garda authorities that members of the Garda Síochána who are suspended from duty do not receive a full salary during suspension but that they may apply for a suspension allowance representing 75% of salary.

Crime Levels.

29. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform the number of gangland type murders that have been committed here in each of the past ten years; the detection rate in each year; and if he will make a statement on the matter. [29745/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All killings, regardless of the circumstances involved, are the subject of rigorous investigation by the Garda Síochána. While the term "gangland killings" tends to be widely used in the media in referring to the nature of certain unlawful killings and speculation in this respect is understandable, this does not correspond to the manner in which the Garda Síochána classifies crime or particular offences. Caution is necessary in ascribing particular motives to any particular incident as, potentially, this might jeopardise the procedures which need to be followed for the proper investigation and prosecution of offences.

Data provided by the Garda authorities in respect of all murders recorded and detected in the period 1996 to 2004, inclusive, is summarised in the following table.

Year	Recorded	Detected	Detection rate
			%
2004*	37	30	81
2003	45	29	64
2002	52	42	81
2001	52	45	87
2000	39	32	82
1999	38	31	82
1998	38	34	89
1997	38	34	89
1996	42	33	79

* Provisional

Prison Accommodation.

30. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent report of the inspector of prisons which describes the system of slopping out in Cork Prison as unacceptable and that the prison was the most overcrowded in the system; and if he will make a statement on the matter. [29762/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been made aware of the contents of the inspector's report on Cork Prison. Cork Prison had an original design capacity of 150 persons and has a current bed capacity figure of 263. On 18 October 2005, the number of persons detained there was 231.

As mentioned in the inspector's report, the variance between the design capacity and the bed capacity is as a result of "doubling up" cells originally designed for single occupancy, a practice which has not been uncommon in the prison system in previous attempts to address overcrowding. The bed capacity figure has recently been reduced from 271 to 263 as a result of the conversion of a number of six man cells for use as two man cells.

With regard to the issue of "slopping out", the Deputy will be aware that one of the reasons why I intend to proceed with plans for new prison complexes in north County Dublin and Spike Island is to provide in-cell sanitation facilities for all prisoners. It is intended that the new prison complexes will address the overcrowding difficulties that arise from time to time and they will offer significant improvements in the areas of work, training, educational and medical services for inmates as well as providing predominantly single cell accommodation with proper in-cell sanitation facilities.

Departmental Expenditure.

31. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason the sum of €500,000 was spent on an information

[Mr. J. O’Keeffe.]

technology system for human resource management in the Prison Service, the use of which has been discontinued; his views on whether this represents good value for money for the taxpayer; and the sum of money he will provide for an alternative system. [29640/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that the system in question was a generic IT system selected for the Civil Service as a whole. However, specific human resource management requirements apply in the Irish Prison Service that do not arise elsewhere in the Civil Service. These include dealing with staff who work a 24 hour, seven day week on rostered irregular hours and who incur high levels of sick leave, thus generating significant overtime replacement costs. Once it became clear that the generic system did not cope satisfactorily with these specific requirements in practice, a decision was taken to discontinue using it to avoid any further expenditure.

I am satisfied that, given the costs associated with continuing to use a system not meeting the needs of the Irish Prison Service, the decision taken was the correct one. Work is now under way to complete a detailed HR business requirements analysis for the service. This analysis will inform how IT support can best be provided in the human resource management function and what future level of investment may be warranted.

Closed Circuit Television Systems.

32. **Ms O’Sullivan** asked the Minister for Justice, Equality and Law Reform if the new community based closed circuit television system funded through ADM will replace the Garda closed circuit television system; and if he will make a statement on the matter. [29758/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): CCTV systems installed for the purposes of crime prevention and as aids to policing, which cover areas to which the general public routinely have access, such as town centres, fall into two distinct categories: Garda CCTV systems and community based CCTV systems. The community based CCTV scheme is not intended as a replacement for Garda CCTV systems but rather as a means to assist communities to install their own local CCTV system.

Garda CCTV and community based CCTV systems are funded directly from a provision within the Garda Vote. Finance for Garda CCTV systems is allocated each year in the Estimates process, with the amount sought being based on current and planned Garda projects.

A number of Garda CCTV systems have been rolled out to various locations in the State in recent years. Initial installations took place in Dublin, Cork and Tralee and a further 17 locations nationwide were subsequently selected to receive a Garda CCTV system. This programme of implementation of CCTV systems is being implemented on a phased basis as follows: phase 1 — Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick; phase 2 — Athlone, Clondalkin, Tallaght and Waterford; and phase 3 — Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. Phase 1 has been completed in five of the six locations.

Installation of CCTV systems is of necessity a detailed, complex and lengthy process. 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. I believe the answer is to outsource the installation of Garda CCTV systems to the greatest extent possible, making use not only of the technical expertise but also of the project management expertise in the private sector. I have asked the Garda Commissioner to submit proposals for outsourced CCTV systems in the 11 locations in the remaining two phases, with a view to achieving implementation in priority locations by the end of 2006. The Garda authorities are now finalising their proposals in consultation with my Department.

The Deputy will appreciate that it is not possible for the Garda Síochána to install Garda CCTV systems in all areas that have sought them. To this end, I launched the community-based CCTV scheme on 15 June 2005. This scheme has been developed in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. 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. Communities that are not ready to apply for full scheme funding — stage 2 — could apply for pre-development supports — stage 1 — to assist in the formulation of high quality proposals which will have the necessary elements of local support and sustainability.

The closing date for receipt of applications was 20 September 2005 and the scheme is being administered on behalf of my Department by Area Development Management Limited, ADM. I am informed by ADM that a total of 83 applications for funding under the community based CCTV scheme — 51 under stage 1 and 32 under stage 2 — were received by the closing date. The process of evaluation and assessment of applications is under way and recommendations will be made, by ADM, to my Department’s com-

munity based CCTV project board in due course. It is intended to invite a new round of applications for funding under the scheme early next year.

Garda Disciplinary Proceedings.

33. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the circumstances (details supplied) in which a member of the Garda Síochána has felt obliged to lodge a complaint against the Garda Commissioner and his predecessor to the European Court of Human Rights. [29751/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda member concerned was the subject of an investigation pursuant to the Garda Síochána (Discipline) Regulations 1989 in respect of correspondence forwarded to the Dáil and Seanad. These proceedings were later withdrawn and no action was taken against the member.

I am informed by the Garda Commissioner that he is not aware that the member concerned has taken a complaint to the European Court of Human Rights.

Prison Education Service.

34. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if his attention has

been drawn to the recent report by the inspector of prisons that the training unit at Mountjoy should not be moved to the new Thornton Hall site in north Dublin; and if he will make a statement on the matter. [29761/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have noted the comments contained in the report of the Inspector of Prisons regarding the training unit at Mountjoy. The future delivery of services provided at the training unit is the subject of active consideration by the Irish Prison Service. A final decision on the matter will have regard to all the relevant factors involved, including location.

Asylum Applications.

35. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the number of applications for asylum received in each year since 2000; the number of applications approved by the refugee applications tribunal; the number of appeals submitted to the Refugee Appeals Tribunal, and the number of such appeals upheld; the number of applications for leave to remain, and the number of such applications granted; the number of deportation orders made; the number of such deportations carried out; and if he will make a statement on the matter. [29765/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested is contained in the following tables.

Table 1: Number of applications for asylum received and the number of recommendations by the Office of the Refugee Applications Commissioner* to grant Refugee Status (at first instance) in 2000, 2001, 2002, 2003, 2004 and 2005**

	2000	2001	2002	2003	2004	2005**
No. of applications received	10,938	10,325	11,634	7,900	4,766	3,261
No. of recommendations to grant refugee status (at first instance)***	212	459	894	345	430	358

* It is assumed that the reference in the Deputy's Question to "Refugee Applications Tribunal" refers to the Office of the Refugee Applications Commissioner.

** As at 30/09/05.

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

Table 2: Number of appeals submitted to the Refugee Appeals Tribunal and the number upheld (at appeal stage) in 2000, 2001, 2002, 2003, 2004 and 2005*

	2000	2001	2002	2003	2004	2005*
No. of appeals received** ***	2,162	3,371	5,156	5,015	4,802	3,318
No. of appeals upheld (granted refugee status)**	394	482	1,099	832	708	434

* as at 30/09/05.

** Substantive and accelerated cases

*** There were also 2,500 manifestly unfounded appeals during this period and 812 appeals under the Dublin Convention/Regulation.

[Mr. McDowell.]

Table 3: Number of Deportation Orders Signed and Number Effected in 2000, 2001, 2002, 2003, 2004 and 2005*.

	2000	2001	2002	2003	2004	2005*
No. of Deportation Orders signed	940	2,025	2,430	2,411	2,915**	1,489**
No. of Deportation Orders effected**	187	365	521	590	599***	309***

* as at 30/09/05

**In addition to the 2,915 deportation orders signed in 2004 and the 1,489 deportation orders signed in 2005, there were also 238 Dublin II Regulation Transfer Orders signed in 2004 and 311 Dublin II Regulation Transfer Orders signed in 2005*.

***In addition to the 599 deportation orders effected in 2004 and the 309 deportation orders effected in 2005, there were also 65 Dublin II Regulation Transfers effected in 2004 and 151 Dublin II Regulation Transfers effected in 2005.

Table 4: Number of Applications for Leave to Remain received from current or former asylum applicants

	2000	2001	2002	2003	2004	2005*
No. of applications received	info not available	6,300	6,887	1,272	269**	232**

* as at 30/09/05

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

Table 5: Number of Applications granted for Leave to Remain

	2000	2001	2002	2003	2004	2005*
Parentage of Irish Born Child	955	2,468	3,113	172	0	**
Marriage to an Irish National	95	129	86	132	144	71
Dependent of EU Citizen	59	137	138	77	112	86
Other Grounds	19	77	158	86	175	88
Total	1,128	2,811	3,495	467	431	245**

* as at 30/09/05.

** See Table 6.

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

	2005
No. of Applications for permission to remain made by the non-national parents of Irish Born Children born before 1 January, 2005*	17,877
No. of Applications for permission to remain granted**	14,463

* as at 30/09/05. Applications closed on 31/03/2005.

** as at 18/10/05

Garda Deployment.

36. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of gardaí attached to the traffic corps; if he will increase the number of gardaí; the reason so many road traffic prosecutions fail through faulty legislation; and if he will make a statement on the matter. [29771/05]

47. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform his views on whether there are inadequate resources available to the Garda Síochána in terms of personnel and equipment from the point of view of enforcement of road traffic laws and speeding; his further

views on whether the carnage on roads is directly related to this; the reason these resources have not been provided; and the measures he will introduce in an effort to reduce the toll of death and serious injury on roads. [29641/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 36 and 47 together.

I am informed by the Garda authorities that the total number of gardaí, of all ranks, allocated to traffic duties as at 19 October 2005 was 574. A further seven gardaí, of all ranks, are attached to the Garda National Traffic Bureau based at Garda headquarters. While the members of the

traffic corps are specifically dedicated to traffic duties, all gardaí have responsibility, *inter alia*, to deal with traffic duties as they arise.

As the Deputy is aware, I announced the establishment within the Garda Síochána of the traffic corps on 23 November 2004. The Deputy will also be aware that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis in line with the commitment in An Agreed Programme for Government, with the recruitment of 1,100 recruits this year and in each of the next two years. As each cycle of recruit training is completed, the Garda Commissioner will assign the new members to the areas of greatest need, with particular regard to certain priorities, which include the traffic corps. The strength of the traffic corps will be increased to 1,200 members by 2008 on the following phased basis: in 2006 by 805; in 2007 by 1,030; and in 2008 by 1,200.

Resources are being allocated to the Garda traffic corps in accordance with the implementation plan contained in the strategic review of traffic policing published in October 2004.

Road user behaviour is a contributory factor in 90% of road collisions. Excessive and inappropriate speed, alcohol consumption and non-wearing of seat belts are the primary causes of road traffic fatalities and injuries. It is not possible to quantify the number of prosecutions which do not result in conviction due to a successful challenge to road traffic legislation.

A working group chaired by my Department and representing the Department of Transport, the Garda Síochána and other relevant agencies, has carried out an in-depth examination into the issue of the engagement of private sector interests in the operation of speed cameras. The group's report, which has been presented to the Government, makes a series of recommendations, which include proposals that will require the introduction of changes to the current Road Traffic Acts. The Department of Transport is currently preparing legislative provisions necessary to support those recommendations and on the completion of that work those provisions will be included in an appropriate Bill for the consideration of the House.

The purpose of this initiative is to enhance overall road safety and help reduce the numbers of deaths and serious injuries on our roads. The performance criteria to be applied will be determined by the Garda Síochána, and the deployment of cameras will be focused on locations where there is an established or prospective risk of collisions. As well as making a significant contribution to road safety, this initiative will release Garda resources so that their enforcement efforts can be concentrated on other motoring offences which cause death and serious injury, such as drink driving, dangerous driving and careless driving.

The Garda Síochána, as the traffic law enforcement agency in the State, will be responsible for the outsourcing project. The Garda authorities inform me that they have commenced preparatory work with regard to the tendering process. My Department and the Department of Transport are assisting in the process.

Proposed Legislation.

37. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the progress he has made towards drafting new defamation legislation; if such legislation is conditional on the introduction of prior privacy legislation; and if he will make a statement on the matter. [29756/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As indicated in the Government legislative programme, announced by the Chief Whip on 27 September 2005, the Defamation Bill is in the course of being drafted with a view to being published in early 2006. As part of the process of reform in this area, an expert group has been established, chaired by Mr. Brian Murray, SC, to consider and prepare an appropriate legislative basis for the protection of privacy which would be consistent with freedom of expression. The group is expected to make a report in the coming months. The Government will then be in a position to consider the various options on the subject. The Government's decision on any action to be taken will be announced in due course.

Legal Aid Service.

38. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the FLAC publication (details supplied); his views on whether its tenet that while equal access to justice is a fundamental human right there is no meaningful method of enforcing that right; the steps he proposes to take to provide adequate resources to abolish waiting lists for legal aid; and if he will make a statement on the matter. [29753/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the publication in question. The position is that my Department provides for wide access to civil legal advice and assistance via the Legal Aid Board and its nationwide network of law centres. The board's services are available to persons of modest means and at little cost. Funding for the board has been increased by 16% since last year to €21.362 million in 2005 and this additional funding has contributed to a significant improvement in waiting times across the country. I understand the maximum waiting time for services is now four

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months and that, at a majority of centres, the waiting time is less than two months.

The Deputy may also wish to note that the board provides a priority service to persons seeking legal services for cases involving domestic violence, child care, child abduction and for certain other matters where there are statutory time limits. These cases are dealt with immediately and without their being put on a waiting list.

Garda Investigations.

39. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a witness in a murder case (details supplied) has retracted their statement alleging that their statement was made under duress and at the instigation of the investigating gardaí; and if he will make a statement on the matter. [29752/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have received correspondence on the matter, a copy of which was made available to the Garda Commissioner.

I have been informed that the Garda Commissioner has directed an assistant commissioner to examine matters raised in the correspondence and to furnish a report on them. I have requested that the Garda authorities inform me of the outcome of the examination. As the Deputy will appreciate, the murder referred to is the subject of an ongoing criminal investigation and it would not be appropriate for me to comment further at this time.

40. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the date on which he was first informed about the serious allegations against gardaí in Ashbourne station; the steps he took following the receipt of this information; when the Commissioner appointed the chief superintendent to investigate the matter; and if he will make a statement on the matter. [29701/05]

128. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform when he was first informed about the serious allegations against gardaí in Ashbourne Station; the steps he took following the receipt of this information; when the Commissioner appointed the chief superintendent to investigate the matter; and if he will make a statement on the matter. [29934/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 40 and 128 together.

I have met some of the principals in my capacity as a Dáil Deputy and arranged for some of

them to be met by officials in my Department at a senior level.

I regard the underlying allegations as being of the upmost gravity. They have been conveyed to the Commissioner of the Garda Síochána and he appointed a chief superintendent on 11 May 2005 to investigate the matter further. I urge everyone with information on this matter to co-operate fully with the chief superintendent.

41. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the way in which a member of the Garda Síochána was able to obtain and sell Garda uniforms to film and theatre companies for years, and when the Garda became aware of the theft; if any of the uniforms had been obtained by criminals or paramilitaries; the steps in place to prevent such thefts in the future; and if he will make a statement on the matter. [29770/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that following a written complaint to the Garda Síochána, an investigation was initiated to establish the circumstances surrounding the alleged sale of items of Garda uniforms to film and theatre companies in recent years. A member of the Garda Síochána has been arrested as part of this investigation.

I am further informed that this Garda investigation will also focus on establishing whether or not Garda uniforms have been obtained by criminals or paramilitaries. As this matter is now the subject of an ongoing Garda investigation, it would not be appropriate for me to comment further.

Garda Reform.

42. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent statements made by the president of the Human Rights Commission, Mr. Maurice Manning, when speaking at a conference on policing in a multi-ethnic society organised by Amnesty International at the Irish Council for Civil Liberties that a radical reform of the Garda Síochána was essential; his proposals to conduct such a reform; and if he will make a statement on the matter. [29777/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána Act 2005 provides for the comprehensive reform of the Garda Síochána. The Act is the first major revision of the operation of the Garda Síochána since the foundation of the State.

The Act will reform the manner in which the Garda Síochána is managed and will clarify the role and objectives of the force and its relationship with the Minister and Government of the

day. It will also establish the Garda Síochána Ombudsman Commission to independently investigate complaints by members of the public against members of the Garda Síochána. In addition, it will establish an independent Garda inspectorate to promote efficiency and effectiveness in the Garda Síochána. The inspectorate will benchmark Garda practice, procedures and performance against comparable best international standards.

The Act also provides for the establishment of joint policing committees, composed of Garda, local authority and community representatives. These committees will provide a forum where the Garda and local authorities can co-operate and work together to address local policing and related issues.

A number of sections of the Act have already been commenced. These include a provision placing a duty on all members of the Garda Síochána to account to their superior officers for any action whilst on duty. This implements a key recommendation of the Morris tribunal into the actions of certain gardaí in Donegal.

I have established a review group under the chairmanship of Senator Maurice Hayes to oversee preparations for the timely implementation of the Act. The group will report to me on progress by the end of December 2005.

Residential Institutions Redress Scheme.

43. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the allegations made to a programme (details supplied) by victims of State institutions regarding abuse that some solicitors charged the Residential Institutions Redress Board and the victims for their legal services in a manner that amounted to double charging; the steps he will take to address the situation; and if he will make a statement on the matter. [29744/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the detailed reply I gave to Questions Nos. 655 and 663 on Tuesday, 18 October 2005.

Child Care Services.

44. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he has received the report, An Accessible Childcare Model, by the National Women's Council of Ireland; if this report has been examined with a view to action in so far as it concerns his Department; and if he will make a statement on the matter. [29644/05]

68. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he has

received the report of the National Economic and Social Forum on early childhood care and education; if this report has been examined with a view to action in so far as it concerns his Department; and if he will make a statement on the matter. [29643/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 44 and 68 together.

The Equal Opportunities Childcare Programme, EOCP, 2000-2006, which is implemented by my Department, has been a landmark development in Irish child care policy. As this very successful investment programme has reached its final stage, the full range of child care issues and how we should best address them are being critically examined at this time, with a view to informing the forward planning process.

In addition to consideration at cross-departmental level, a number of respected bodies have issued or are about to issue informative reports. These include the recent reports of the National Women's Council of Ireland, NWCI, which was funded by my Department, and the National Economic and Social Forum, NESF. I welcome both of these reports for their timeliness and the comprehensive manner in which they have contributed to the ongoing debate on child care.

These two reports make a series of recommendations which would impact on a wide range of cross cutting issues. The issues relevant to my Department include the expansion of the supply of child care places through the continuation of the equal opportunities child care programme and the significant revision and extension of the existing maternity and parental leave arrangements. The recommendations on these issues, amongst others, form part of the background to the consideration of a broad range of child care issues, which is taking place at interdepartmental level in the high-level working group on early childhood care and education, under the co-ordination of the National Children's Office.

It is widely accepted that child care policy and provision in Ireland is at an important watershed. It is important that a long-term outlook and strategic approach are adopted. My Department has been at the forefront in developing quality child care services through the EOCP and I hope to continue this role and its valuable contribution to future Government policy on child care.

State Exonerations.

45. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) will be officially exonerated by the Irish State; and if he will make a statement on the matter. [24622/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The events in which the person in question came to public attention are a matter of public record. No finding of guilt was ever made in the courts regarding the person in question in respect of the said events. Accordingly, the question of an “exoneration” does not appear to arise.

Child Care Services.

46. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform his views on the ESRI view that child care is to become more expensive and more difficult to obtain; the initiatives, in addition to the EOCP, he will introduce to increase the supply of child care places; and if he will make a statement on the matter. [29729/05]

63. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform his views on the effectiveness of the EOCP in improving equality of opportunity for women in the workforce and improving equality of opportunity for children at a social and educational level through early years education; and if he will make a statement on the matter. [29730/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 46 and 63 together.

The Deputy has referred to the effectiveness of the EOCP and to recent comments by the ESRI regarding future child care costs and availability. I understand the comments referred to arose from two ESRI working papers entitled “The Labour Market to 2015” and “Ireland — an Ageing Multicultural Economy”, which were presented at a recent SIPTU biennial conference. The papers included issues for discussion across a broad range of topics influenced by our demographic structure now and into the future. These included our economic success, family-friendly workplaces, higher female labour force participation and the increase in the number of women in higher levels of education, together with the consequent implications this may have for future public policy makers, including higher child care costs.

While there have been a number of recent reports on the future of child care which also look at cross-cutting issues, the need for such an approach has already been recognised and adopted at Government level. In the past, child care was seen as a matter largely for parents and not one requiring active Government intervention. This scenario has changed radically and in a very short period, due in no small way to the outcomes of the Equal Opportunities Childcare Programme, EOCP, 2000-2006.

The Department of Justice, Equality and Law Reform has lead responsibility for the EOCP,

which was established to deliver the Government’s commitment, identified in the National Development Plan 2000-2006, to develop quality child care services in Ireland through a major investment programme. This commitment was given in direct response to the recommendations of the expert working group on child care established under Partnership 2000, and chaired by my Department, to develop a strategy for the development and delivery of child care.

The EOCP has contributed significantly to the development of a formal child care infrastructure through a substantial investment programme to establish and enhance child care services, the development of a national network of 33 city and county child care committees, and supporting the work of seven national voluntary child care organisations.

The provision of capital grants has enabled the establishment of new child care facilities and the upgrading of existing child care facilities. The provision of staffing grant assistance for up to three years, in areas of disadvantage, has ensured the retention of child care staff in services. The interim evaluation of the EOCP and the mid-term evaluation made positive commentary on the performance of the child care measures which resulted in additional funds being allocated to the child care measures. As the very successful EOCP nears its final stage, the full range of child care issues and how we should best address them are being critically examined in a number of fora.

The question of a follow-up programme to the EOCP is currently being examined in the context of the broad-ranging consideration of child care issues being undertaken by representatives of a number of Departments taking part in the high level working group on early childhood care and education under the co-ordination of the National Children’s Office. While it is not possible at this stage to comment in detail, the Government has already signalled its commitment to continued expenditure beyond the end of the programme to ensure that its momentum is maintained.

EOCP funding commitments have been made beyond 2006 for both capital and staffing grant assistance. The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. An additional capital provision of €90 million was made available over the period 2005 to 2009, in the context of the 2005 budget. Of this amount, €50 million is being made available under the present programme and the remaining €40 million will flow under the next phase of the post-2006 EOCP. In regard to staffing grant assistance, following a detailed review of the existing staffing grants under the EOCP my Department recently extended the terms of the grants to the end of December 2007 to groups that 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 date under the EOCP, 49,000 child care places are up and running, of which 26,000 are new. Data from grant beneficiaries indicated that over 80% of parents using the child care facilities are availing of education, training or employment opportunities.

The number of women in the active workforce is continuing to increase rapidly and has grown from 400,400 in employment in 1990 to 819,000 in employment in 2005. This increase is clearly an important contributor to Ireland's growing need for child care service provision, a need which the EOCP was established to address.

All of the EOCP achievements to date have addressed national and local level issues, aimed at increasing the availability of child care places and improving the quality of child care services, through capital, staffing and quality improvement funding. My Department has been at the forefront of these developments and I hope to continue this role and its valuable contribution to future Government policy on child care.

Question No. 47 answered with Question No. 36.

Citizenship Applications.

48. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the arrest of a person (details supplied) in the Bahamas by the US authorities; if his attention has further been drawn to the fact that this person may escape prosecution due to the fact that he possesses an Irish passport; if he will begin the process of revoking that passport; and if he will make a statement on the matter. [29768/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned became an Irish citizen when he was granted a certificate of naturalisation on 24 April 1995. As an Irish citizen, he is entitled to hold an Irish passport.

I am aware from a newspaper article of the alleged arrest of the person concerned. I have also noted the remarks in the media about the possibility of the person concerned evading prosecution due to the fact that he has an Irish passport. In this context, it seems that the core issue is whether or not the person concerned was granted naturalisation appropriately in the first instance and is entitled to continue to be an Irish citizen and to hold an Irish passport.

The revocation of a certificate of naturalisation can only be considered within the provisions of section 19 of the Irish Nationality and Citizenship Act. I have put these provisions on the record of the House on a number of occasions.

I have asked my officials to examine the case of the person concerned. The Deputy can be assured that if the circumstances of this, or indeed any particular case, warrant revocation under the statutory provisions of the above Act, I will have no hesitation in utilising my statutory powers to the fullest extent possible.

Should the authorities in either the Bahamas or the United States require any assistance in this matter, my Department will be happy to cooperate in any way possible.

Child Care Services.

49. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if he will explore the option of providing funding to community playgroups; his views on whether the non-availability of and the high costs of child care facing young parents today is leading to financial hardship for many and with suitable child care buildings already in place a solution is within reach; and if he will make a statement on the matter. [22879/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Child care was identified as an investment priority under the National Development Plan 2000-2006. This was in 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. My Department was given lead responsibility for the Equal Opportunities Childcare Programme, EOCP, 2000-2006, through which this strategy is being delivered.

The principal objective of the EOCP is to increase the supply of centre based child care places by 55%, or some 31,500 places, by the end of the programme. By the end of June this year, some 26,000 new places had been created and 23,000 existing places were being supported. The EOCP is ahead of its projected targets and is expected to result in 38,500 new places by its end. A further important objective of the EOCP is to provide support and assistance to the many child-minders who are providing a child care service across the country. In addition, the programme encompasses measures to address a range of quality issues which were identified in the child care strategy and improve the level of co-ordination in the delivery of child care services.

Since its inception in 2000, the funding committed to the programme has increased from €318 million to €499.3 million, or by 57%, the most recent increase being €50 million in budget 2005. In addition, the multi-annual capital envelopes announced on budget day included increases that will result in a further €50 million in capital in 2006 and will see the injection of a further €40 million in capital funding between 2007 and 2009.

[Mr. McDowell.]

The EOCP is designed to support both an equal opportunities and a social inclusion perspective. These objectives are achieved through the grant structure which has been put in place. Capital grants are available to both private child care service providers and to community or not-for-profit groups. Capital grants facilitate the further development and expansion of child care facilities, assisting parents to reconcile their needs for quality child care while participating in employment, education and training. Staffing grants are made available to community-based groups which demonstrate a focus on disadvantage. To the end of June 2005, more than €97 million has been given in staffing grants under the programme. This funding supports some 2,300 child care staff places catering for disadvantaged parents and children. These supports directly address the issue of child care costs for the most disadvantaged in our society and also recognise the important link between poverty and unemployment and the need to support parents in a work or training environment.

With specific regard to the provision of funding under the EOCP to community playgroups, these are generally groups run by a committee of parents and other local people, set up to offer care and education, mainly on a sessional basis, to children aged between three and five years. In some cases, community playgroups are managed, operated and funded solely by parents. In others, the groups receive financial or other support from local organisations, such as providers of education or health services or church groups. Many community playgroups also receive funding from other State sources. Where a community playgroup meets the qualifying criteria under the EOCP, it can receive grant support for capital and or staffing costs. Currently, some 327 community playgroups across the State are in receipt of EOCP funding and €33 million has been spent on this sector to date.

As I have outlined, the EOCP is supporting the development of a quality child care infrastructure in Ireland which is an essential element to the issue of moderating child care costs for parents. The specific issue of the burden on parents of child care costs is also addressed through the Government's commitment to payments for child benefit. Between 1997 and 2005, child benefit almost quadrupled from some €505 million to €1.91 billion. Since April 2005, child benefit payments stand at €141.60 per month, per child, for the first two children and €177.30 per month for a third and each subsequent child. These increases were introduced to give effect to the Government's commitment to assist all parents in the care of their children irrespective of income or employment status.

Garda Investigations.

50. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has fully identified all of the money laundering, racketeering and drug running activities throughout the country; if the full extent of these activities has been monitored sufficiently to take the necessary action; and if he will make a statement on the matter. [29712/05]

158. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has identified all money laundering sources throughout the country; and if he will make a statement on the matter. [29982/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 50 and 158 together.

The Deputy will appreciate that policing operations are a matter for the Garda Síochána. I am informed by the Garda authorities that criminal networks involved in the areas of criminality referred to by the Deputy are identified in a number of ways. Ongoing investigations and intelligence gathering by specialist national units working in collaboration with other national and international law enforcement agencies, including the customs service, result in the identification of the criminal activities in question. These national units operate under the assistant commissioner in charge of national support services and include the Garda Bureau of Fraud Investigation, the National Bureau of Criminal Investigation, the Criminal Assets Bureau and the Garda national drugs unit. Ongoing investigations and activities by divisional and district personnel operating throughout the State also yield information and intelligence.

All the above activities identify key organisations involved in drug trafficking and distribution, money laundering and racketeering. Having identified the key players, the relevant units, both national and local, undertake targeted operations designed to reduce the incidence of such criminality and gather sufficient evidence to sustain successful prosecutions against the principals involved. These operations have resulted in significant detections, including significant detections in terms of volumes of drug seizures.

Given the covert nature of money laundering and the emergence of new criminal networks over time, the Deputy will appreciate that is not possible for the Garda to state, at any given time, that all money laundering sources throughout the country have been identified. However, I am informed by the Garda authorities that many sources have been identified in the course of investigations. In addition to the pursuit of prosecutions where warranted, when sources come to notice the Garda Síochána provides crime pre-

vention advice and guidance through the provision of training courses and presentations to financial and other relevant institutions.

Departmental Funding.

51. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if he will provide details of all funding made available by him to groups providing support services to victims of violence against women from when he became Minister to date; his plans to increase the level of funding for these groups in the future; and if he will make a statement on the matter. [29734/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that the primary responsibility for funding agencies providing support services to the victims of violence against women rests with the Department of Health and Children.

My Department has provided funding to non-governmental organisations at the level as set out in the following table. This financial assistance has been provided in respect of such matters as awareness raising programmes, training and development for agency staff as well as funding for research projects and court accompaniment services. Funding under my Department's violence against women budget increased by 39% in 2005 over 2004 and is reviewed annually.

Name of organisation	Total funding provided
	€
Women's Support and Advocacy Service, WAVES	165,000
COPE — previously known as Galway Voluntary Social Services	70,000
The Southside Women's Action Network Limited	19,600
5-6 Kilkenny Women's Arts Project	1,000
Adapt Services Limerick	5,120
AkiDwA (African Women's Network)	7,000
Carlow Local Network on Violence Against Women	5,000
Cork Rape Crisis Centre	10,000
Domestic Violence Service Limited, Dublin	2,000
Donegal Domestic Violence Service	500
Dublin Rape Crisis Centre	39,653.43
European Women's Lobby	49,731.75
Kerry Rape and Sexual Abuse Centre	25,739
Kilkenny Local Network on Violence Against Women	12,100
Kilkenny Rape Crisis and Counselling Centre	2,750
Mayo Women's Support Services	10,731
Mid-Western Regional Committee on Violence Against Women	8,000
National Network of Women's Refuges and Support Centre	13,066.05
North Eastern Regional Committee on Violence Against Women	5,755.28
North West Women's Human Rights Forum	1,500
Pavee Point Traveller's Centre	2,260
Rape and Sexual Abuse Support Services, Wexford	2,000
Rape Crisis Network Ireland	84,968
Rev. Dr. Tony Byrne	2,000
Ringsend Action Project Limited	8,902
Ruhama Women's Project	38,768
Sexual Violence Centre, Cork	5,500
SIPTU	3,000
South Eastern Regional Committee on Violence Against Women	600
South Leinster Rape Crisis Centre	17,041
Southill Domestic Abuse Project, Limerick	50,000
The Open Door Network, Tralee	6,000
Western Regional Planning Committee on Violence Against Women	11,000
Women's Aid	57,599.85

Homeless Persons.

52. **Mr. Eamon Ryan** asked the Minister for

Justice, Equality and Law Reform if his attention has been drawn to the fact that a report (details supplied), commissioned by his Department,

[Mr. Eamon Ryan.]

finds that a large number of persons surveyed as part of this study had been imprisoned for offences linked directly to the fact that they were homeless and that the introduction of anti-social behaviour orders is likely to exacerbate this situation; and if he will make a statement on the matter. [29739/05]

64. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform if he has read the report (details supplied) recently produced by the CSER and DIT; if he will implement any of the recommendations arising from the report; and if he will make a statement on the matter. [29738/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 52 and 64 together.

The issues faced by offenders that are homeless or at risk of homelessness, both in the community and in custody, have long been recognised. These issues have been the focus of increased consideration in recent years, particularly in the context of the Government's integrated strategy on homelessness, 2000, and following the publication of the Homeless Preventative Strategy, 2002, and NESF Report No. 22 of 2002 on the reintegration of prisoners.

The probation and welfare service, with the approval of my Department, commissioned the Centre for Social and Educational Research, CSER, at Dublin Institute of Technology, DIT, to carry out research on the number, profile and progression routes of homeless persons before the courts and in custody. The research, carried out in the Dublin area in 2003 and 2004, was published in July 2005. Among the findings were the facts that 1.6% of the persons sampled attending before the courts were homeless and that, on average, they had a higher number of charges against them.

Among the most common charges were the charges of being intoxicated in a public place — 30%; threatening, abusive, insulting behaviour in a public place — 24%; and theft — 21%. Only approximately one fifth of the cases resulted in imprisonment. The recommendations contained in the report are under consideration in my Department at present.

In recent years, there has been considerable development of services for offenders who are either homeless or at risk of homelessness, both in the community and on release from custody. These include: the establishment of the homeless offenders strategy team, HOST, a probation and welfare service led multi-agency initiative to address homelessness among offenders — it is a direct outcome of the Government's homelessness strategy and it is working to progress a number of initiatives to reduce homelessness

among offenders, both in custody and in the community; the acceptance by local authorities of applications for social housing from prisoners up to nine months prior to their expected release date; procedures to ensure retention of prisoners' social housing tenancies in so far as possible; the probation and welfare service, Irish Prison Service and other agencies working with prisoners provide a range of opportunities, on both an individual and group programme basis, for prisoners to assist them to prepare for their release and their successful re-integration back into the community — their accommodation needs are addressed in this forum; enhanced in-reach services by community welfare, housing and other social services to prisoners nearing release, particularly those who are at risk of homelessness on release. In addition to these in-reach services, the access housing unit of the Threshold organisation, in partnership with the probation and welfare service and the Irish Prison Service, is sourcing private rented accommodation for suitable prisoners in Dublin on a pilot basis.

I reject the view that the introduction of anti-social behaviour orders is likely to exacerbate the situation regarding homeless people. An anti-social behaviour order is simply a mechanism whereby the law seeks to stop a person from behaving in a way which is causing very serious distress to a community or to some person in that community. In this respect the principle behind anti-social behaviour orders is similar to the power to bind over, which is a very old power.

I am currently finalising legislative proposals to provide for such orders. I expect, subject to Government approval, to introduce these proposals as Committee Stage amendments to the Criminal Justice Bill 2004, which is currently awaiting completion of Second Stage in the Dáil.

My amendments will allow the Garda to apply to the courts by way of civil procedure for an anti-social behaviour order which will prohibit the person who is the subject of the order from behaving in an anti-social way. My proposals will include guidelines for the courts relating to the granting of orders. The orders will be civil orders and the question of an offence will arise only if the person in question wilfully defies the order and continues to engage in the behaviour.

My proposals will incorporate important safeguards to ensure that the orders can be used for the benefit of the community as a whole. My amendments will ensure that an application for an anti-social behaviour order will be a last resort in situations where other steps, including Garda warnings to desist, have been ignored. I stress that the orders will not be targeted at any particular group but will provide a means of dealing with persistent anti-social activity by individuals who come to the attention of the Garda and the courts.

Inquiries into Garda Activities.

53. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform his plans to open an inquiry into the Garda investigation and subsequent criminal proceedings surrounding the murder of a person (details supplied) in Tallaght in 1992; and if he will make a statement on the matter. [29740/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have had inquiries made in this matter and I am informed that the Garda authorities are satisfied that this case was the subject of a full and proper investigation which resulted in a person being charged on the directions of the Director of Public Prosecutions and subsequently dealt with by the courts. I understand that no other persons are sought with regard to this incident.

The courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. I have no function in verdicts of the courts, nor is it open to me to intervene in court proceedings of this kind. I have been informed that the defendant in this case was acquitted on all charges by the jury who returned a verdict of “not guilty”.

Drug Seizures.

54. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the widespread availability of cocaine here and the increasing quantities of crack cocaine that are seized; his proposals to tackle the problem; and if he will make a statement on the matter. [29742/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The National Drugs Strategy 2001-2008 addresses the problem of drug misuse across a number of pillars — supply reduction, prevention, treatment, rehabilitation and research — and implementation of the strategy across a range of Government Departments and agencies is co-ordinated by the Department of Community, Rural and Gaeltacht Affairs. The Government is aware of the increased prevalence of cocaine usage in recent times and efforts to tackle it are broadly based to include measures aimed at both supply and demand reduction, including awareness initiatives.

The national strategy specifies a number of supply reduction targets for the Garda Síochána in terms of all drug seizures and the Garda has achieved considerable successes regarding these targets to date.

I am informed by the Garda authorities that their strategies for dealing with drug offences are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs, including cocaine and

crack cocaine. All of these strategies are based on a number of underlying principles, namely, focusing on all aspects of drug trafficking including the importation, transportation and distribution of illicit drugs; the gathering of intelligence on all individuals and organisations involved in the distribution of drugs, including the support structures underpinning this activity; conducting targeted operations on criminal networks based on intelligence gathered; and working in collaboration with other law enforcement agencies, both within and outside the jurisdiction, to address the national as well as international aspects of drug trafficking and distribution.

The Garda authorities further inform me that these strategies have resulted in a number of operational successes, including successes against cocaine trafficking. Many of these have been recently publicised. The trafficking and distribution of all illicit drugs, including cocaine hydrochloric and freebase, that is, crack, at local, national and international levels is constantly monitored by the Garda.

The Criminal Justice Bill, which is currently before the Houses of the Oireachtas, provides a comprehensive package of anti-crime measures that will enhance the powers of the Garda in the investigation and prosecution of offences, including drug offences. It includes provisions relating to search warrant powers for the Garda and admissibility of statements by witnesses who subsequently refuse to testify or retract their original statements. Moreover, I am currently finalising further legislative proposals to provide for criminal offences relating to participation in a criminal organisation and to strengthen existing provisions relating to the ten year mandatory minimum sentence for drug trafficking.

Departmental Correspondence.

55. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to correspondence (details supplied); if he met with some of the principals in the case in any capacity; if a file was sent to the Director of Public Prosecutions on the issue; and if he will make a statement on the matter. [29776/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have met some of the principals in my capacity as a Dáil Deputy and arranged for some of the principals to be met by officials in my Department at a senior level.

I regard the underlying allegations as being of the upmost gravity. They have been conveyed to the Commissioner of the Garda Síochána and he has appointed a chief superintendent to investigate the matter further. I am informed by the Garda authorities that an earlier investigation into the incident referred to resulted in an investi-

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gation file being submitted to the Director of Public Prosecutions, who directed no prosecution on the basis of that file.

I have no role in the investigation or prosecution of cases. This is a long standing principle of our system of justice. I am also informed that an investigation is currently being conducted into this matter in accordance with the provisions of the Garda Síochána (Complaints) Act 1986. The Garda Síochána Complaints Board, which was set up under the Act, is independent in the exercise of its functions.

I urge everyone with information regarding this matter to co-operate fully with the chief superintendent and with the separate Garda Síochána Complaints Board investigation.

Telecommunications Data.

56. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform the service providers the Garda Commissioner has written to pursuant to section 63 of the Criminal Justice (Terrorist Offences) Act 2005 instructing them to retain data as defined; if any service provider accessed the data held pursuant to section 63 of the Criminal Justice (Terrorist Offences) Act 2005; if so, the service providers which have done so and pursuant to which subsection or subsections of section 64 was it so accessed in each case; the number of times the data retained have been accessed under each subsection of section 64 and by which service providers; the safeguards he has instructed service providers to put in place to ensure that this data is not improperly accessed; and if he will make a statement on the matter.

[29779/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Part 7 — sections 61 to 67 — of the Criminal Justice (Terrorist Offences) Act 2005 provides for the retention of telecommunications data by communications service providers for the purposes of the prevention, detection, investigation or prosecution of crime, including terrorist offences, or the safeguarding of the security of the State. It would not be in the public interest to reveal the number or identities of the service providers, if any, which have been requested in writing by the Garda Commissioner to retain, for a period of three years, traffic data or location data or both.

A service provider shall not access any data so retained save in accordance with the conditions set out in paragraphs 64(1)(a) to (e) of the 2005 Act. Inasmuch as retained data may be accessed by the Garda Síochána, it would not be in the public interest to reveal either the number of requests, if any, made to disclose any data so retained or the identities of the service providers to which such requests, if any, have been made.

I do not have — and could not have — information on such matters as it relates to disclosure requests from other legitimate sources, such as in accordance with a court order or at the request and with the consent of the person to whom the data relates.

On safeguards against the misuse of retained data, Part 7 of the 2005 Act extends the duties of the designated judge under the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 to the data retention provisions of this Part. In particular, the designated judge shall, *inter alia*, keep the operation of the provisions of Part 7 under review and ascertain whether the Garda Síochána and the Permanent Defence Forces are complying with its provisions.

Moreover, Part 7 of the 2005 Act also extends the duties of the complaints referee under the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 to the data retention provisions of this Part. In particular, the complaints referee shall investigate, on foot of a complaint alleging improper disclosure, whether, *inter alia*, any provision of section 64 was contravened in the disclosure request, if any.

Prison Medical Service.

57. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if there have been any confirmed or reported cases of MRSA in prisons; the protocols which are in place in the prison medical service to deal with such an event; and if he will make a statement on the matter.

[29735/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A small number of cases of MRSA have been diagnosed in prisoners. These have all occurred in prisoners who have been patients in external hospitals for specialist treatment. All cases have been treated in line with the particular clinical indications either directly by prison health care staff or in consultation with relevant external specialist services. A policy guideline, reflecting public health guidelines in dealing with MRSA, has been issued for the attention of all prison health care staff.

Drug Seizures.

58. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform the number of cocaine seizures by the Garda Síochána in the towns of Tralee and Listowel, County Kerry, for each year from 2000 to 2004, respectively, and to date in 2005; and if he will make a statement on the matter. [29638/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Data provided by the Garda

authorities in respect of seizures of cocaine in the towns of Tralee and Listowel over the period 2000 to 2004, inclusive, and in 2005 to date are summarised in the following table.

Year	Tralee	Listowel
2000	0	0
2001	4	0
2002	2	2
2003	10	0
2004	7	6
2005 to date	5	7

It is a key objective of the National Drugs Strategy 2001-2008 to reduce access to all drugs, particularly those drugs that cause most harm to young people, especially in those areas where misuse is most prevalent. The strategy specifies a number of supply reduction targets for the Garda Síochána in terms of drug seizures and the Garda has achieved considerable successes regarding these targets to date.

Departmental Staff.

59. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of civil servants in his Department dealing directly with the issue of child care; and if he will make a statement on the matter. [29645/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, my Department's responsibility relating to child care is confined to the implementation of the Equal Opportunities Childcare Programme, EOCP, 2000-2006. This is a substantial investment programme under which capital and staffing grants are made available to develop and support child care facilities. The programme also delivers a number of quality enhancement measures which are aimed at assisting all child care workers.

The EOCP is administered by the child care directorate in my Department which is currently staffed by 19 civil servants. Having regard to the scale and nature of the programme and its need to operate at a local level across the country, the function of managing the day-to-day operations of the EOCP, in particular, the initial appraisal of grant applications, is carried out by Area Development Management, ADM, Limited, on behalf of the directorate. At present, 39.5 equivalent full-time staff employed by ADM work directly on the EOCP while up to six further staff in ADM work either indirectly on the programme or are shared or central staff. ADM also plays an important role in monitoring and auditing expenditure under the programme and ensuring that the necessary financial and other controls are in place. ADM makes reports regularly on the oper-

ation of the programme and collects data to assist in future planning.

In addition, 33 city and county child care committees, CCCs, have been established by the Department to provide the basis for developing a national support infrastructure for quality child care development. The CCCs receive funding from the child care directorate in the Department to implement their annual action plans and to support staffing costs.

International Agreements.

60. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if the co-ordinating committee provided for in the readmission agreement between the Irish and Nigerian Governments has been established; if so, the details of its membership and activities to date; and if he will make a statement on the matter. [29732/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Question No. 3 of today's date which sets out my position in the matters raised. No meeting of the co-ordinating committee as provided for in Article XIX of the agreement has taken place yet as Nigeria has not yet officially ratified the agreement.

Residency Permits.

61. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the number of non-nationals who entered here as unaccompanied minors who have now reached the age of 18 years and whose applications for residency have not been successful; his views on whether he will reconsider his policy on those persons and allow them to remain here; and if he will make a statement on the matter. [29774/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am assuming that the Deputy is referring to leave to remain applications from persons who are now over 18 years of age but who originally entered the State as unaccompanied minors and made asylum applications that were later refused.

I am informed by the Refugee Applications Commissioner that there have been 1,684 asylum applications from unaccompanied minors in the period 1 January 2000 to 31 December 2005, of which 1,324 had reached the age of 18 years at the time of their asylum interview. I regret it has not been possible in the time available to assemble further information on these persons. I will be in touch with the Deputy again when this information is to hand.

The consideration given to such cases is the same as that given to other leave to remain applications. The decision not to deport a person who

[Mr. McDowell.]

is illegally in the State, that is, grant temporary leave to remain, arises under section 3 of the Immigration Act 1999, as amended. Each case is individually considered in the context of its own particular circumstances, having regard to the 11 factors cited in the Act, and having regard to section 5 of the Refugee Act 1996, which pertains to prohibition of *refoulement*.

There is no “catch all” policy — be it to deport or allow to stay — in respect of unaccompanied minors who reach the age of 18 years. All cases are considered on their individual merits.

62. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the statement by a group (details supplied) that hundreds of homosexuals here are in long-term cohabiting relationships with partners who have immigration and residency issues; his views on whether equal immigration rights will be given to same sex couples as are available to heterosexual married couples; and if he will make a statement on the matter. [29755/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The organisation referred to by the Deputy has made a submission to my Department in response to the discussion document, Immigration and Residence in Ireland, which I published in April of this year. This submission was one of several concerning the rights of same sex couples in Irish immigration legislation and policy.

At present, when determining whether a foreign national should be admitted to the State to join another foreign national or, indeed, an Irish national, a number of questions arise. One fundamental consideration in most cases relates to the extent to which the couple will in the future be in a position to support themselves without recourse to public funds. That in turn requires an evaluation of the nature and extent of the relationship between the persons in question.

Where the persons in question are married, that evaluation is relatively straightforward from an administrative point of view. However, where the relationship is more informal its dynamics are more difficult to determine objectively, particularly where it is not underpinned by any formal legal contract.

At present, the Irish immigration system does not have any formal procedures for recognising same sex partnerships. However, my Department is currently preparing an immigration and residence Bill. The aforementioned discussion document, Immigration and Residence in Ireland, indicates the range of issues to be addressed and indicates how they are likely to be dealt with in future legislation and in future policy. Among the issues the document identifies as areas that will

need to be considered are unmarried partners and same sex relationships.

Question No. 63 answered with Question No. 46.

Question No. 64 answered with Question No. 52.

Drugs in Prisons.

65. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if the Prison Service will provide access to other confirmatory testing for prisoners whose initial mandatory drug test is found positive for illegal drugs, in view of the fact that false positive test results are known to be potentially triggered by legal prescription medications, including HIV medications (details supplied); if not the reason therefor; and if he will make a statement on the matter. [29737/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the potential for positive test results in the context of mandatory drug testing arising from consumption of prescribed medication. I assure the Deputy that the new scheme the Irish Prison Service will put in place will have appropriate provisions to deal with this.

There are pre-existing procedures to deal with circumstances in which a positive drug test is attributed by a prisoner to a legitimately prescribed and consumed medication. These involve the examination of whether there is a basis for such attribution, including consultation with the relevant prescriber as to whether any medication prescribed for the prisoner could be responsible for the positive result. It is not current practice to require the prisoner to undergo further tests in such circumstances.

Consultancy Contracts.

66. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of consultants employed by his Department in each year since 1997; the cost of each contracted; the work that was carried out by each consultant; the number of contracts that were successfully completed within schedule and budget; the number of contracts that were not successfully completed within schedule or budget and the figure of overrun in each case; if he has responded in any way to the criticism of over dependency on consultants by Departments in the Comptroller and Auditor General's report for 2005. [29767/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for response it has not been possible to compile the detailed information requested by the Deputy.

The information requested is being collated at present and I will forward it to the Deputy shortly.

Prison Drug Treatment Services.

67. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform if the Prison Service has a policy that sets a maximum dosage of methadone allowable for prisoners; if so, the details of the maximum dosage; and if he will make a statement on the matter. [29736/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Methadone is prescribed for prisoners as part of either a detoxification regime or, where clinically indicated, as part of a maintenance programme for prisoners who have either been on such a programme in the community prior to committal or who are, following clinical assessment, considered to be suitable candidates to commence such a programme while in prison.

The Prison Service has no policy indicating a maximum dosage of methadone allowable for prisoners. The level of dosage prescribed in each case is a matter for individual clinical decision. In situations where a newly committed prisoner shows evidence of recent opiate misuse and is being considered for a clinical detoxification using methadone it has been long standing policy guidance that, given the uncertainty of previous consumption, such a detoxification should commence with a low dose and be adjusted on the basis of ongoing clinical review. This is to minimise the risk of inadvertent overdose.

Question No. 68 answered with Question No. 44.

Prison Accommodation.

69. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if he will reopen the Curragh Prison, Fort Mitchel or Spike Island in view of the fact that the industrial relations dispute has ended; and if he will make a statement on the matter. [29763/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that the Government approved a series of measures on 11 November 2003 in the event of failure to reach agreement with the Prison Officers' Association on the change agenda aimed at eliminating overtime payments and reducing other costs in the Irish Prison Service.

These measures included the mothballing of both Fort Mitchel place of detention and the Curragh place of detention. Throughout the negotiation process I made my position clear, that the present cost structure of the Prison Service

could not be sustained and that in the event that agreement could not be reached on a mutually acceptable way forward, then both institutions would be closed. Following the rejection by staff of the proposal for organisational change I was left with no option but to close these institutions permanently in order to control costs.

In the course of discussions on refloating the proposal for organisational change with minor revisions, I again made it clear that the decision on the closures of the Curragh and Fort Mitchel was irreversible. The Deputy will be aware that a new modern southern prison will be built on Spike Island to replace Cork Prison. The recent acceptance by staff of the revised proposal for organisational change holds out the real prospect of an efficient and more cost effective Prison Service into the future. Implementation of the agreed arrangements is proceeding apace and I am optimistic that the changes involved will herald a new era in the Prison Service which will work to the benefit of both management and staff.

Proposed Legislation.

70. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform his proposals in regard to the privatisation of speed cameras; the way in which he will ensure that the proposal will not end up as simply a money making venture; and when he will bring forward legislation in this regard. [29066/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A working group chaired by my Department and representing the Department of Transport, the Garda Síochána and other relevant agencies, carried out an in-depth examination into the engagement of private sector interests in the provision and operation of speed cameras. On the basis of the group's report, my colleague, the Minister for Transport, and I presented proposals to Government in July for the outsourcing to the private sector of the provision and operation of speed cameras under the supervision and direction of the Garda Síochána. Our proposals were accepted by Government and work has commenced on their implementation.

The proposals will require the introduction of changes to the current Road Traffic Acts. The Department of Transport is currently preparing legislative provisions necessary to support those recommendations, and on the completion of that work my colleague, the Minister for Transport, will bring proposals to Government with a view to having provisions included in an appropriate Bill for the consideration of the House. The Garda Síochána, as the traffic law enforcement agency in the State, will be responsible for the outsourcing project and has commenced work in preparation for the necessary tendering process.

[Mr. McDowell.]

My Department and the Department of Transport are participating in this work.

The purpose of this initiative is solely to enhance overall road safety and help reduce the numbers of deaths and serious injuries on our roads. The performance criteria to be applied will be determined by the Garda Síochána and the deployment of cameras will be focused on locations where there is an established or prospective risk of collisions. The selection of sites for cameras will be identified by the Garda Síochána with the assistance of the National Roads Authority so as to achieve the overall objective of the project which is to save lives, not to increase revenue collection. The private concern which will provide and operate the cameras will have no function with regard to the selection of locations for monitoring.

The introduction and ongoing management of the overall project will be overseen by the Garda Síochána, with the involvement of other key stakeholders. As well as making a significant contribution to road safety, this initiative will release Garda resources so that its enforcement efforts can be concentrated on other motoring offences which cause death and serious injury such as drink driving, dangerous driving and careless driving.

Health Service Reform.

71. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if she supports the view of the Taoiseach that the Hanly report will not be implemented during the lifetime of this Government; and if she will make a statement on the matter. [29159/05]

Tánaiste and Minister for Health and Children (Ms Harney): The report of the national task force on medical staffing or Hanly report made a series of important recommendations about the development of hospital services. These covered issues such as: the changes needed in NCHD work patterns; reform of medical education and training; the need for a significantly revised contract for medical consultants and an increase in the number of consultants; and the reorganisation of acute hospital services.

My Department is working closely with the HSE to build on, and progress, these recommendations. I am very pleased that the IMO and IHCA have now agreed to enter into negotiations on a new contract for consultants. It is important that a new contract be put in place as soon as possible. I also want the discussions which have been under way for some time now about the work patterns of NCHDs to be brought to a successful conclusion at an early date. I am currently considering a report from the medical education and training group in regard to postgraduate medical

education and training. I hope to bring proposals in this regard to the Government soon in conjunction with my colleague, the Minister for Education and Science, who is considering the recommendations of the Fottrell report.

These measures, combined with ongoing investment in acute hospital facilities, extra consultant posts and the organisation of services around hospital networks, are designed to provide patients with faster access to high quality consultant provided services.

Infectious Diseases.

72. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if she will provide a list of the precautions that have been taken in view of the threat posed by avian flu; the timeframe in which she expects to see these precautionary measures in place; if contingency plans have been drawn up should the disease mutate into a worst case scenario; the risk she sees it posing at the present time; and if she will make a statement on the matter. [29896/05]

79. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she has made representations at an international level to press the manufacturers of a product (details supplied) to share their knowledge and technology with other manufacturers in order to increase production in view of the threat of a flu pandemic; and if she will make a statement on the matter. [29932/05]

86. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the current level of an anti-viral (details supplied) in stock here to cope with the bird flu; the level of deliveries which will be in stock on a monthly basis as the current level of stock in the UK is 25% of the population; if 20,000 vaccinations will be available in counties Sligo and Leitrim; if they will be ring-fenced for this region; if she will take total responsibility for this and not the Health Service Executive officials alone to allay the fear of the general public; and if she will make a statement on the matter. [30001/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 72, 79 and 86 together.

Avian influenza, bird flu, is an infectious disease of birds caused by the type A strains of the influenza virus. The Department of Agriculture and Food is responsible for controlling avian influenza in birds and mammals other than humans. That Department has a contingency plan for avian influenza and all questions relating to this should be referred to my colleague, the Minister for Agriculture and Food, Deputy Coughlan.

According to the World Health Organisation, the spread of the AH5N1 virus to poultry in new areas is of concern as it increases opportunities for further human cases to occur. However, all evidence to date indicates that the H5N1 virus does not spread easily from birds to infect humans. The WHO level of pandemic alert remains unchanged at phase 3; a virus new to humans is causing infections, but does not spread easily from one person to another.

My Department and the Health Service Executive are closely monitoring avian influenza developments with particular reference to the public health implications. Information on avian influenza is available on the health protection surveillance centre website under the health topics section, and a fact sheet for travellers forms part of this information.

The health protection surveillance centre posted the following documents on its website, www.hpsc.ie, on 14 October; interim guidance for protection of persons involved in avian influenza outbreak control and eradication activities in Ireland; interim guidance on public health actions to be taken on notification of avian influenza in animals in Ireland; avian influenza case surveillance form.

A subgroup of the influenza pandemic expert group had been working on this guidance material. They were published on Friday, 14 October, due to the increased concern following confirmation of H5N1 infection in Turkey. In addition, interim Irish guidelines on the investigation and management of suspected human cases of avian influenza, influenza AH5, have been circulated to all health care professionals and are also posted on the HPSC website.

A clinical management algorithm has been circulated to hospitals and clinicians on the appropriate management of travellers returning from countries affected by avian influenza presenting with fever and respiratory symptoms. This will assist in early detection of any influenza AH5 cases. The overall aims of influenza pandemic planning are to reduce mortality and morbidity and to minimise the resulting disruption to society.

However, the consequences of a global pandemic are still likely to be serious. Pandemic planning can only mitigate the effects. My Department and the Health Service Executive are working closely together on pandemic planning. A detailed plan for response to an influenza pandemic was prepared in 2004. This plan is currently being updated to reflect the most up to date advice of the influenza pandemic expert group and the World Health Organisation, WHO. This work has continued over the summer.

Vaccination will be the primary public health intervention in the event of an influenza pandemic. Developments are taking place at international level seeking to expedite the pandemic

vaccine production process. A vaccine is in development which could offer some protection against an H5N1 flu strain. International experts consider that a stockpile of H5N1 vaccine could be used as a first line of defence for priority groups while a vaccine against the exact pandemic influenza strain is manufactured.

On foot of expert advice, it was decided in August that a limited amount of H5N1 vaccine should be purchased. It is intended to purchase 400,000 doses, sufficient for 200,000 people. My Department is actively pursuing this matter. H5N1 vaccines will not be available anywhere before March or April 2006.

The World Health Organisation is urging countries with adequate resources to stockpile antiviral drugs nationally for use at the start of a pandemic. Around 30 countries, of which Ireland is one, are purchasing large quantities of these drugs, but the manufacturer has no capacity to fill these orders immediately. At present manufacturing capacity, which has recently quadrupled, it will take a decade to produce enough Tamiflu to treat 20% of the world's population. The manufacturing process for Tamiflu is complex and time consuming and is not easily transferred to other facilities. However, recent media reports indicate that the pharmaceutical company Roche is considering licensing generic versions of Tamiflu thus enabling it to be made more widely available.

I am pleased, therefore, to confirm that we are stockpiling 1 million treatment packs of Tamiflu. This quantity is sufficient to treat 25% of the population. A total of 600,000 packs will be delivered by the end of this year. The remaining 400,000 packs will be delivered next year. Plans for the storage and distribution of antivirals are being developed as part of the planning process. We already have an emergency supply of over 45,000 treatment packs of antivirals, Tamiflu, and 10,000 units of paediatric suspension. The size of the stockpile is in line with international trends: for example, the UK is also building up a stockpile to cover 25% of its population. Its stockpile will be complete by the end of 2006.

It should be noted that pandemic planning is a dynamic process. This means that within this the strategy for use of antivirals must be kept under review. In particular, the expert group will need to review the epidemiological data before final recommendations are decided in the setting of an imminent pandemic. The decision making process will be guided at all times by relevant expert advice from the European Commission and the World Health Organisation.

Health Services.

73. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will provide core funding for organisations that provide support services, including violence against women

[Dr. Cowley.]

services which are being delivered almost exclusively by voluntary organisations; if her attention has been drawn to the fact that the financial allocation for these services remain fixed since 2003 and that due to a lack of funding every year, thousands of helpline calls are being missed with women having to wait months for rape crisis counselling; and if she will make a statement on the matter. [29897/05]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Services Executive.

The Tánaiste asked the HSE to carry out an analysis of the current level of service provision in this area and to report back to her. She awaits this report with interest and will be further informed by its findings.

Hospitals Building Programme.

74. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of the €20 million upgrade project of Ennis General Hospital; when the project will go to the next phase; the timeframe for the overall project; when tendering for the project will commence; when it is expected that building will commence if given an expeditious planning process; and if she will make a statement on the matter. [29898/05]

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. An outline development control plan for the hospital has been prepared and was endorsed by the Mid-Western Health Board in December 2004. The progression of the development at Ennis is now a matter for consideration by the Health Service Executive in the context of the capital investment framework 2005 to 2009.

Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have the issues raised investigated and to have a reply issued directly to the Deputy.

75. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the timeframe

for the completion of works at Mullingar Hospital; the nature of the works involved and if they take account of the additional capacity which will be required as the town expands in line with the projections by both the county council and the national spatial strategy. [29899/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department 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.

The Health Service Executive has made provision to progress this development within the health capital investment framework 2005 to 2009. The project has been sanctioned up to tender stage, which includes completion of detailed design documentation. It was recently decided to fast-track the completion of the fit-out of the ward accommodation in the shelled-out area. This decision was taken in order to provide additional capacity more quickly than if the full project proceeded as a single construction contract. The design team is currently preparing detailed drawings with the intention of going to tender in March 2006. With this in mind, a prior indicative notice, PIN, is to be lodged in the *Official Journal of the European Union* by mid-October. I understand that staff on site are to be fully consulted as part of the detailed design process. Planning permission is to be sought by the beginning of November and the target completion date for the fit-out of the shelled area is early 2007.

On completion, the fit-out of the shelled accommodation is intended to provide an additional 43 beds, mainly medical and surgical beds. The design work on the second stage of the project will continue in parallel with the fit-out and equipping of the shelled accommodation project. The second stage will include the provision of the following new facilities: pathology department, operating department, medicine for the elderly-rehabilitation unit, acute psychiatric unit, child and adolescent psychiatric unit, occupational therapy department, administrative accommodation, staff accommodation, education facilities, catering facilities and a new entrance concourse.

The completion of the second stage of the project is intended to provide 16 additional beds, mainly for day cases, as well as accommodating the transfer of 50 rehabilitation and acute psychiatric beds from facilities currently located outside the hospital. In all, there will be 109 additional

beds on the hospital campus following the completion of the overall development. It has been estimated by the Health Service Executive that additional revenue funding of the order of €10 million, excluding inflation, will be required on an annual basis to run the shelled-out area when it is fully fitted out. This estimate reflects a combination of the additional pay and non-pay costs required.

Given the significant level of additional annual revenue costs associated with the project, I recently decided that an independent review of the estimate is necessary, to ensure that the estimate and staff profile represent best value for money. This review is due to be completed prior to the finalisation of the tender documentation and it is not anticipated that it will delay the project.

76. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children the position in regard to a project (details supplied) in County Galway; if she will report on her recent announcement in regard to funding for this unit; the number of beds that will be provided; the ancillary accommodation that will be provided; if the proposed building will be a complete replacement for the existing facility or if it will be an extension to the existing facility; and if so, the number of beds which will result. [29929/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy will be aware, the Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and social services. This includes responsibility for the proposed developments at St. Brendan's Hospital, Loughrea, County Galway.

The HSE western area has confirmed that a project planning brief for the development of a 40 bed community nursing unit in Loughrea with expansion to 80 beds is being completed. This brief was prepared by a multidisciplinary team and the group proposed a number of units based in the major population centres of Tuam, Loughrea and Ballinasloe as the east Galway centres as set out in the Western Health Board strategy, Health and Well-being for Older People. The Tánaiste has granted approval to bring the project to design stage. The local multidisciplinary team, who will advise on the design, has been appointed. This proposal is included as part of the HSE's capital investment framework for 2005 to 2009. It is envisaged that the replacement community nursing unit will be located on the grounds of St. Brendan's campus and it will be used to facilitate the transfer of residents currently placed on the upper floors of the original building.

As responsibility for the development of services now rests with the HSE, any decisions relating to this project will be a matter for the HSE having regard to its overall capital funding priorities.

Hospital Services.

77. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the number of times the national radiation oncology co-ordinating group has met in 2005; and if she will make a statement on the matter. [29930/05]

81. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will report on the progress made by the national radiation oncology co-ordinating group in advancing measures to ensure equitable access to radiation services and to improve access, including transport and accommodation; and if she will make a statement on the matter. [29942/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 77 and 81 together.

As I have previously indicated to the House, I consider that appropriate transport arrangements for patients requiring radiotherapy should be made available, where necessary, by the Health Service Executive, HSE. My Department raised this matter with the HSE last May to ensure that appropriate transport arrangements are put in place on a national basis for patients who are required to travel to obtain radiotherapy. Transport solutions are already a feature of the current provision of radiation oncology services. My Department has asked the HSE to advise the Deputy directly in regard to current and proposed transport arrangements for radiation oncology patients nationally.

Last July I announced the Government's plan for a national network of radiation oncology services to be put in place by 2011 and commencing in 2008. The network will consist of four large centres in Dublin, Cork and Galway and two integrated satellite centres at Waterford Regional Hospital and Limerick Regional Hospital. The Government considers that the best option in terms of improving geographic access for patients in the north-western area is to facilitate access for those patients to radiation oncology services as part of North-South co-operation on cancer. Appropriate transport arrangements will form part of the planning and implementation of this plan, given the significant increase in capacity involved.

The national radiation oncology co-ordinating group, NROCG, provides advice to my Department and the HSE on radiotherapy. In light of the above and the fact that under the Health Act 2004, the HSE has responsibility for the manage-

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ment and delivery of health and personal social services, the NROCG does not intend to prepare a specific report on transport.

The group has met three times this year and is currently finalising quality standards for the provision of radiation oncology services for public patients. I expect them to be submitted to me shortly.

Cancer Screening Programme.

78. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will report on progress in the past six months in the roll out of the BreastCheck programme; and if she will make a statement on the matter. [29931/05]

Tánaiste and Minister for Health and Children (Ms Harney): BreastCheck, the national breast screening programme, commenced in 2000 and covered the eastern, north-eastern and midland regions of the country. In 2003 the Minister for Health and Children announced the extension of the programme to counties Carlow, Kilkenny and Wexford and the national roll out to the remaining regions in the country. Screening commenced in Wexford in March 2004 and in Carlow in April this year. BreastCheck expects to commence screening in Kilkenny early in 2006.

The roll out of the national breast screening programme to the remaining regions in the country is a major priority in the development of cancer services. In May this year BreastCheck advertised in the *Official Journal of the European Union* for the appointment of a design team to work up detailed plans for two new BreastCheck clinical units, one at the South Infirmiry-Victoria Hospital, Cork, and one at University College Hospital, Galway. In August this year, BreastCheck announced the appointment of the design team and the design process is now under way. It is anticipated that, subject to obtaining satisfactory planning approval, the design process, including the preparation of the tender documentation, will be completed by mid-2006.

I understand that the National Hospital Office-Comhairle board recently approved, in principle, 12 consultant posts required for the national roll out. The board is seeking clarification from BreastCheck in regard to sessional commitments of a number of posts. Discussions are also taking place, involving my Department, on the revenue consequences of these posts. BreastCheck is confident that the target date of 2007 for the national roll out of the programme will be met.

Question No. 79 answered with Question No. 72.

Medical Cards.

80. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children if she will report to Dáil Éireann on her current and future plans for medical cards and the income limits which apply. [29937/05]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Act 2004, since 1 January 2005 statutory responsibility for the determination of eligibility of applicants to medical cards is a matter for the Health Service Executive.

In November 2004 I announced that from 1 January 2005, income guidelines to be used for assessments of full eligibility to medical cards would be increased by 7.5% with the objective of issuing an additional 30,000 medical cards. At that time, I also announced my intention to introduce 200,000 GP visit cards which would allow the holders of these cards to receive general practitioner services free of charge.

In June, it was apparent that the effect of rising income in our successful economy meant that the target of 30,000 additional medical cards was not going to be achieved. At this time I simplified the means test for both medical cards and GP visit cards. It is now based on an applicant's and spouse's income after income tax and PRSI, and takes account of reasonable expenses incurred in respect of rent or mortgage payments, child care and travel to work. This is much fairer to applicants.

On 13 October 2005, I announced that the income guidelines for both medical cards and GP visit cards would be increased by an additional 20%. This means the income guidelines are now 29% higher than this time last year.

Following the recent clarification from the Labour Relations Commission there is now full agreement with the parties to proceed with the processing of applications for GP visit cards. This is now under way. The GP visit card is an initiative which has provided for a graduated level of benefit. By providing GP visit medical cards it is possible, for a given amount of funding, to benefit four times as many people as would be possible with the traditional medical card. I am in favour of the concept of graduated benefits. It means that families on low to moderate incomes, depending on their outgoings, will not be afraid to go to the doctor because of the costs involved.

My Department and the HSE will continue to monitor the number of full medical cards and GP visit cards issued. The commitment in the programme for Government to extend eligibility for medical cards will be kept under review in the light of other competing service priorities, available resources and the graduated benefits approach which I introduced with the GP visit card. The current basic guidelines to be used in the assessment of applications for both categories of medical card are shown in the following table.

Family Unit	Guidelines	
	Medical Card	GP Visit Card
<i>Single Person Living Alone</i>		
Aged up to 65 years	184.00	230.50
Aged between 66-69 years	201.50	252.00
<i>Single Person Living with Family</i>		
Aged up to 65 years	164.00	205.00
Aged between 66-69 years	173.00	217.00
<i>Married Couple/Single Parent Families with Dependent Children</i>		
Aged up to 65 years	266.50	333.00
With 1 child	304.50	380.50
With 2 Children	342.50	428.00
With 3 Children	383.50	479.00
With 4 Children	424.50	530.00
With 5 Children	465.50	581.00
<i>Aged between 66-69 years</i>		
With 1 child	336.00	420.50
With 2 Children	374.00	468.00
With 3 Children	415.00	519.00
With 4 Children	456.00	570.00
With 5 Children	497.00	621.00
<i>Aged between 70-79 years</i>		
Aged 80 years and over	596.00	745.00
<i>Additional Allowances for Dependent Children</i>		
For first 2 children under 16 years	38.00	47.50
For 3rd and subsequent children under 16 years	41.00	51.00
For first 2 children over 16 years	39.00	49.00
For 3rd and subsequent children over 16 years	42.50	53.50

Question No. 81 answered with Question No. 77.

Mental Health Services.

82. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has reviewed the major renovation development plans for St. John of God's Kildare services; her plans to provide funding for such projects; and if she will make a statement on the matter. [29986/05]

83. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason her Department is reluctant to provide capital funding for such facilities as provided at St. Raphael's or St. John of God services throughout County Kildare; and if she will make a statement on the matter. [29987/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 82 and 83 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 arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Medical Cards.

84. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the number of medical card applications submitted in 2001, 2002, 2003, 2004 and to date in 2005 in counties Sligo and Leitrim: the number that have been refused and the number granted; and if she will make a statement on the matter. [29998/05]

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

[Ms Harney.]

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.

Hospitals Building Programme.

85. **Mr. Perry** asked the Tánaiste and Minister for Health and Children when sanction for an additional 13 beds will be given to the medical assessment unit in Sligo General Hospital in view of the fact that this facility will enhance the bed capacity within the hospital and will alleviate the pressure on beds and allow for a more efficient and improved patient focused admission area and throughput of patients; and if she will make a statement on the matter. [30000/05]

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.

Question No. 86 answered with Question No. 72.

Tax Yield.

87. **Ms McManus** asked the Minister for Finance the amount of money that has been raised through capital gains tax on the sale of properties at the IFI plant in Arklow, County Wicklow; and if he will make a statement on the matter. [29921/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that for confidentiality reasons they are not in a position to comment on the tax affairs of any taxpayer.

88. **Mr. Callanan** asked the Minister for Finance the total figure for the payment to solicitors of the over calculation of stamp duty for the current tax year and for the last tax year. [29910/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the latest relevant information available is in respect of stamp duty repayments arising from property transactions made in the year ending 31 December 2004. Repayments of overpaid stamp duties in this category amounting to some €2.2 million were made in that year with the bulk of

them being repaid to solicitors acting on behalf of their clients.

Budget Submissions.

89. **Mr. O'Connor** asked the Minister for Finance his views on the pre-budget submission made by Tallaght Welfare Society which has provided services in Tallaght since 1969; his proposed responses to the submission; and if he will make a statement on the matter. [29911/05]

Minister for Finance (Mr. Cowen): I have not received a pre-budget submission from the organisation concerned as yet. However, when it becomes available, the contents will be considered in the context of the forthcoming budget and Finance Bill. As Deputies are aware, it would not be appropriate for me to comment in advance of the budget on possible decisions taken.

Tax Code.

90. **Mr. Broughan** asked the Minister for Finance his plans to support biofuels transport initiatives through fiscal and taxation reforms. [29938/05]

Minister for Finance (Mr. Cowen): Policy in respect of the promotion or development of biofuels is primarily a matter for my colleague, the Minister for Communications, Marine and Natural Resources.

However, I acknowledge that tax can play a role in the promotion of biofuels and in this regard there is the current duty exemption scheme for biofuels, which was introduced by section 50 of the Finance Act 2004, as a limited, pilot scheme. The purpose of the provision was to allow qualified and conditional relief from excise for biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. As the Deputy may be aware, it was necessary to obtain approval from the EU Commission as the proposed scheme represented a State aid. Approval was granted in March 2005 and the scheme was subsequently advertised by the Department of Communications, Marine and Natural Resources. Excise relief was granted to successful applicants to the scheme from August 2005 for a total of 16 million litres of fuel.

The number of applications made for relief from excise duty under the pilot scheme clearly indicates that there is a strong interest in developing a biofuels industry in Ireland and I am in discussion with the Minister for Communications, Marine and Natural Resources about possibilities for future support. The possible introduction of a wider scheme of excise relief for biofuels is under active consideration.

91. **Mr. Broughan** asked the Minister for Finance his plans to support business and household renewable energy strategies through fiscal and taxation reforms. [29939/05]

Minister for Finance (Mr. Cowen): Three tax incentives relating to renewable energy are currently in operation. Investments in companies engaged in renewable energy generation may qualify for the business expansion scheme, BES, tax relief. Individual investors holding a BES equity investment in such companies for a minimum period of five years can benefit from tax relief, at their marginal rate, in respect of investments of up to €31,750 per year. A qualifying company may raise equity capital up to a general maximum of €1 million in the lifetime of the company.

Section 486B corporate tax relief applies to corporate equity investments in certain renewable energy generation projects which are eligible for tax relief in the form of a deduction from a company's profits for its investment in new ordinary shares in a qualifying company. To qualify for this relief, the energy project must be in the solar, wind, hydro or biomass technology categories, and must be approved by the Minister for Communications, Marine and Natural Resources. The relief is capped at the lesser of 50% of the relevant cost of the project or €9.525 million for a single project. Investment by a company or companies is capped at €12.7 million per annum. The shares must be retained for at least five years by the company, otherwise the relief may be withdrawn.

Section 98A of the Finance Act 1999 provides for qualified and conditional relief from mineral oil tax on biofuel essential to approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. A total of 16 million litres of biofuel has been approved for this relief in eight pilot projects over a period of two years from August 2005.

In addition, renewable energy equipment in use for the purpose of a trade may also qualify for plant and machinery capital allowances. The cost of providing the plant and machinery is written off over a period of eight years at an annual rate of 12.5%.

Sustainable Energy Ireland, SEI, which is under the aegis of the Department of Communications, Marine and Natural Resources, runs a number of fiscal incentive schemes such as the "house of tomorrow" grant aid scheme. Further information on these schemes may be obtained by contacting SEI or the Department of Communications, Marine and Natural Resources.

92. **Mr. Penrose** asked the Minister for Finance the position of mortgage relief for single parents, who as single parents receive double tax credits,

but yet are only permitted to use a single tax credit against mortgage relief; and if in that context such a policy is not helping single parents who are trying to deal with their mortgage and child care payments, together with other normal household expenses; his views on whether this will be amended in budget 2006; and if he will make a statement on the matter. [29949/05]

Minister for Finance (Mr. Cowen): Relief for interest paid on certain home loans, mortgage interest relief, under section 244 of the Taxes Consolidation Act 1997 is available to individuals in respect of interest paid on loans used by the individuals solely for the purpose of defraying money employed in the purchase, repair, development or improvement of their main residence. The relief is not intended as a support in respect of any other expenses which individuals may incur.

Married couples receive mortgage interest relief that is double that available to single persons and to lone parents who are not married. This position follows on from the Supreme Court decision in *Murphy v. the Attorney General*, 1980, which held that it was contrary to the Constitution for a married couple to pay more tax than two single persons living together.

With respect to the tax credits, single, separated or widowed persons may be entitled to the one-parent family tax credit in addition to the basic personal tax credit. The combined value of these credits is equivalent to that of the basic personal tax credit for a married person. Through the one-parent tax credit, and the extended standard rate band available to parents who qualify for such credit, the tax code recognises the financial burden involved where a lone parent has responsibility for raising a child or children single-handedly.

However, it should be pointed out that child benefit is the main instrument through which direct financial support is provided to parents in respect of children and this is available whether the parents are single, cohabiting or married. The Government has substantially increased child benefit since coming into office in 1997. Overall expenditure on child benefit has increased by 279% from €506 million in 1997 to an estimated €1,916 million in 2005. I have indicated to the House previously that I believe there is a need to examine pragmatically and practically what can be done in regard to providing child care support to parents. As the Deputy is aware, it is not the practice to comment on proposals, if any, to change tax law in the lead up to the annual budget.

Garda Stations.

93. **Mr. Durkan** asked the Minister for Finance the length of time it will take to provide the pro-

[Mr. Durkan.]

posed new Garda station, approved in 1996, for Leixlip, County Kildare; the cost of the project to date in terms of planning, evaluation, site assessment or other cost associated with the project; the status of the proposal; the likely date for the opening of the station; and if he will make a statement on the matter. [29985/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are awaiting approval from the Department of Justice, Equality and Law Reform to the revised sketch scheme for Leixlip Garda station. On receipt of approval, planning permission will be sought under the Part 9 planning process. Costs to date on this project are estimated at €50,000. It is expected that construction work on the new station, which will take 12 to 15 months to complete, will commence in 2006.

Tax Clearance Certificates.

94. **Mr. Allen** asked the Minister for Finance if a P21 certificate will be supplied to a person (details supplied) in County Cork. [29991/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a P21, for the year 2004, has issued to the person concerned on 19 October 2005.

Commemorative Stamp.

95. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the plans that are in place to issue a stamp in 2006 commemorating Michael Cusack, the founder of the GAA, on the centenary of his death; and if he will make a statement on the matter. [29914/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In March of this year, Government approval was given to issue a commemorative stamp in honour of Michael Cusack, as part of the 2006 special and commemorative stamp programme. Plans are currently under way in respect of the design of the stamp.

Alternative Energy Projects.

96. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the reason wind farms with full planning permission are prohibited from connecting to Ireland's public grid; his plans to remove this anomaly and direct the Commission for Energy Regulation to fast-track those applications forthwith for immediate connection to the national grid (details supplied); and if he will make a statement on the matter. [29919/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): At present, I have certain limited statutory powers to give directions to the Commission for Energy Regulation, CER, and these do not include a power to issue instructions on this matter. They are restricted solely to electricity trading arrangements.

Any dispute concerning access to the electricity network is a matter for determination by the Commission for Energy Regulation, in the first instance, in accordance with section 34 (6) of the Electricity Regulation Act 1999, No. 23/1999. The CER is an independent body in the exercise of this function in accordance with paragraph 9 in the Schedule to the same Act. I have no statutory authority or function in that process.

97. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the steps he will take to speed up the production of electricity from wind power and other non-fossil fuel concepts in view of the significant increase in fossil fuel energy; and if he will make a statement on the matter. [29920/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The consumption of electricity from renewable energy sources was of the order of 5.1% of total electricity consumed in 2004. I recently announced and am currently finalising a new support programme to support the construction of at least a further 400 MW of new renewable energy powered electricity generating plant by 2010. This capacity, together with other capacity constructed since 2004, will more than double the consumption level from 5.1% in 2004 to 13.2%, at least, by 2010.

The new support programme will assist projects in the market ready categories of biomass, small scale hydro and large and small scale wind power. All other renewable energy based technologies, which are not yet market ready, can make application to the research and development programme operated by Sustainable Energy Ireland, www.irish-energy.ie.

The detailed draft terms and conditions of the new feed-in support programme were put out to publication consultation, on my Department's website, www.dcmnr.gov.ie. Interested parties had until 12 October to raise any queries or to furnish any observations on the proposals. Approximately 30 responses were received. Following consideration of the matters raised in these responses, the new programme, to be known as the renewable energy feed-in tariff, REFIT, will be finalised and published.

Inland Fisheries.

98. **Mr. Broughan** asked the Minister for

Communications, Marine and Natural Resources if he will report to Dáil Éireann on developments or progress in regard to the meeting of the Minister of State with the fishermen of Carrick-on-Suir and south Tipperary political representatives; if he has been in contact with South Tipperary County Council; and if he will make a statement on the matter. [29940/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

An official of the Department met representatives of the fishermen concerned, South Tipperary County Council and the Southern Regional Fisheries Board, to discuss the issues raised by the fishermen. I subsequently also held a meeting with the fishermen. The fishermen expressed the view to me that the location of the outfall diffusers and associated navigation buoy would cause disruption to their operations, by creating a snagging or fouling hazard for their nets. As a result, they requested that the diffusers and buoy be moved.

I indicated at the meeting with the fishermen that I would give careful consideration to the issues they raised, and I subsequently received from the Southern Regional Fisheries Board, on their behalf, details of catches in previous years. The data have been referred to South Tipperary County Council for any views that it may have, and its response is awaited. While I will consider any comment that the local authority may make, the advice available to me at this stage is that any effect on fishing in the area can only be described as localised and minor.

Pension Provisions.

99. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources if assistance will be given to retired pensioners to achieve clarity of pension entitlements (details supplied). [29941/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):

The issue of pension entitlements to retired company employees is a matter for the company in question. Assistance to pensioners, seeking clarity in respect of entitlements, is given via an appeals mechanism which is set out clearly in the Pensions Ombudsman Regulations 2003, SI No. 397 of 2003. The company superannuation schemes also allow for such appeals to be made to the company. The schemes provide that: "If a member or former member is aggrieved by the failure or refusal of the company to make an award under this scheme or by the amount of the award made, he may appeal to the Minister who shall refer the dispute to the Minister for Finance whose decision shall be final." In this regard, a number of pensioners, formerly employed by An

Post and Eircom, have submitted appeals to my Department in respect of their pension entitlements.

As the decision making power on pension appeals rests with the Minister for Finance, all appeals from An Post and Eircom pensioners thus far submitted to my Department, including that of the person referred to, have been forwarded to the Minister for Finance, who will issue his decision in the matter directly to the appellant. Should the appellant not be happy with this decision, it is open to him or her to then appeal to the Pensions Ombudsman.

Postal Services.

100. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when the tendering process for the economic evaluation and the design of a new postcode system will be completed; and his views on same. [30004/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):

I have no function in regard to this matter as the Commission for Communications Regulation is responsible for the appointment of the economic and technical consultants with regard to the postcode project.

Following on from the recommendations of the working group report, consideration of the feasibility, design and implementation of a practical postcode project proposal is being advanced. In accordance with the recommendation of the working group, that project managers be appointed to lead the postcode project, I have asked that the Commission for Communications Regulation appoint the project managers.

Departmental Travel.

101. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of appointments made in his capacity as Minister for Foreign Affairs that had to be cancelled or postponed as a direct result of his activities as an envoy for the Secretary General of the United Nations Organisation; and if he will make a statement on the matter. [29908/05]

102. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of journeys he has made to date as a direct result of his role as an envoy for the Secretary General of the United Nations; the arrangements by which the State will be reimbursed by the United Nations Organisation for the cost of these journeys; and if he will make a statement on the matter. [29909/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 101 and 102 together.

I accepted the mandate from the Secretary General of the United Nations, Kofi Annan, as part of the preparations for the recent UN summit, to act as one of five envoys to represent and promote his recommendations on UN reform because of the central position of the United Nations in Ireland's foreign policy and in light of Ireland's strong interest in an efficient and effective United Nations Organisation.

I met a total of 46 Foreign Minister colleagues in my capacity as envoy, 22 of them in their own capitals. In four cases I also met the head of government. I held consultations with European Commissioner for External Relations Ferrero-Waldner and with High Representative — Secretary-General Solana. I attended and addressed four international conferences on behalf of the UN Secretary General. I regularly briefed my EU colleagues, at meetings of the General Affairs and External Relations Council, on progress in the preparations for the September summit. On visits to capitals and at conferences, I took the opportunity, in press conferences and briefings to engage the local media on issues relating to the reform of the United Nations.

In the course of my activities I attended two sets of consultations in New York with Mr. Annan and my fellow envoys and with key officials in the UN Secretariat. Finally, I attended the summit in my capacity as envoy.

When I accepted the mandate, I told the Secretary General, Mr. Annan that, while I would accord priority to my duties as envoy to the extent possible, there would be occasions when my responsibilities as Foreign Minister, particularly in respect of Northern Ireland, would take precedence, which he fully understood.

No appointments were cancelled or postponed as a result of my activities as envoy. I would probably have been present in my national capacity at the international conferences I attended as envoy. At these conferences, and at meetings of the General Affairs and External Relations Council, I took the opportunity to hold separate consultations as envoy with 24 Foreign Minister colleagues, which was highly efficient in terms of time and resources.

In visiting capitals, I combined wherever possible several different visits in the same itinerary. I combined my visits to New York for consultations as envoy with obligations I had to undertake in any case, such as attendance at the review of the nuclear non-proliferation treaty and engaging in consultations on issues related to Irish immigrants in the United States.

In the course of my contacts, I took the opportunity in almost all cases to raise bilateral and regional issues of concern to Ireland. These contacts raised the level and intensity of our engage-

ment with many of the governments in question, and will have been of considerable benefit to the pursuit of our national foreign policy.

In these circumstances, but also given Ireland's deep and long-standing commitment to the United Nations, it would have been inappropriate to have sought the reimbursement of expenses incurred in the course of my activities as envoy. As a result, I had made it clear at the outset to the UN Secretary General, and our international partners, that the Government would neither seek nor accept such reimbursement.

Sports Capital Programme.

103. **Ms Enright** asked the Minister for Arts, Sport and Tourism if the amount of funding allocated per county under his Department's sports capital programme is based on the number of applications from a particular county; and if he will make a statement on the matter. [29924/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): All applications received under the sports capital programme are assessed on an individual basis by officials in the sports unit of my Department in accordance with a detailed set of assessment criteria as specified in the guidelines, terms and conditions for the programme, which accompany the application form for the programme.

Following the assessment process each application receives a score, which decides its order of priority within its own county. Regard is had to the population levels in each county and to the amount of funding available for allocation and providing a *pro rata* level of funding on that basis, subject to a guaranteed minimum allocation of €253,948 per county.

The assessment process must also take into account, however, other factors such as the existing level of facilities in an area, the quality of the applications received, the amount of funding being sought, as well as the strategic positioning of major facilities that may be required. Applications under the sports capital programme are received from organisations for local, regional and national facilities and each year a number of major regional and national projects are allocated funding. These major projects, which serve a wider regional or national catchment area, are recorded in the list of grants allocated to the county in which they are located.

Recommendations, based on the conclusions from the assessment process and having regard to the amount of funding available for distribution, are made by the sports unit to me as Minister, and I make the final decision on projects and grants to be allocated under the programme.

Swimming Pool Projects.

104. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism the position of the application for grant aid for a project (details supplied) in County Galway; the reason funding has not been allocated to date; his views on the provision of such projects through a public private partnership arrangement; and if he will make a statement on the matter. [29948/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A feasibility report, representing the first stage in the process, was submitted by Galway County Council for a pool in Loughrea and was assessed as being in order from a technical perspective in 1999. However, due to the limited funds available under the local authority swimming pool programme at that time, the county council was advised that it could be some time before funding might be made available for the project.

In 2001, the then Department of Tourism, Sport and Recreation gave approval for appointment of consultants for the preparation of the preliminary report. However, in 2002, the Department was informed that a proposal involving an alternative site was being considered and that the process of appointing consultants for preliminary report and design was under way.

In 2004, Galway County Council submitted a tender proposal seeking a grant from the local authority swimming pool programme for a project promoted by a private sector interest to construct a leisure centre, including a swimming pool, on a council site different from that initially recommended in the 1999 feasibility report. The normal procedure under the local authority swimming pool programme is that ministerial approval should first be sought at each of the preliminary and contract document stages, before tenders are invited for a project. Notwithstanding the fact that Galway County Council did not follow this process, my Department indicated to the county council that it would be prepared to examine the proposal on its merits and this examination is under way.

It is a matter for local authorities to devise funding and operational arrangements, as they see fit, for the provision of public swimming facilities in their areas. Experience shows that there is potential for private sector involvement in the provision and operation of local authority swimming pool facilities and many local authorities are exploring various ways of involving the private sector in their projects. From my Department's perspective, there is no objection to the involvement of the private sector. However, in order to qualify for grant assistance under the programme, local authorities must satisfy themselves that the project meets the generally accepted operational considerations of a public

pool in terms of public availability, charges, access for disadvantaged and so forth. This is normally achieved in consultation with the appropriate county or city development board.

105. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism if a formal application has been made to his Department by Cork City Council for funding to improve a swimming pool (details supplied); when such an application was made; and the status of this application. [29966/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the local authority swimming pool programme, which is administered by my Department, grant aid is provided towards the capital costs of new pools or the refurbishment of existing pools. The closing date for receipt of applications under the current programme was 31 July 2000. As I indicated in my replies to Question No. 181 of 1 February 2005 and Question No. 197 of 22 February 2005, asked by Deputies Coveney and Lynch respectively, no application was made by Cork City Council in respect of the Gus Healy swimming pool in Douglas before that date. The council has also been so advised on various occasions. However, in 2002, Cork City Council submitted a feasibility study for a proposed development of the pool and the council was advised that the proposal could not be considered for funding under the pool programme as it was received outside the closing date for applications. This remains the position.

The priority for the programme is to support the proposals on hand and new proposals for swimming pools are not being considered at this time. My Department, however, is carrying out an expenditure review on the swimming pool programme, which is examining, among other things, how the programme has worked to date, the benefits which have accrued to the areas where pools have been built under the existing programme and what amendments, if any, are required to ensure the effective and efficient delivery of the programme. It is expected that this review will be completed by the end of the year when the question of reopening the swimming pool programme can be considered.

Export Controls.

106. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment when the proposed new legislation including controls on arms brokering will be published; and if the legislation will prohibit arms transactions unless it will be clearly demonstrated that the arms transfers will not contribute to serious human rights violations or violations of international humanitarian law. [29943/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): My Department is engaged in the preparation of new export control legislation, in line with the recommendations of the 2004 Forfás report, and I hope to have a Bill published toward the end of this year.

The proposed legislation will update the existing Control of Exports Act 1983 and ensure that Ireland's export controls are in line with best international practice. In this regard, the new legislation will include, for the first time, provision for the regulation of arms brokering activities in Ireland and by Irish citizens abroad. This will enable Ireland to fulfil its obligation under the EU common position on arms brokering, which requires member states to take all the necessary measures to control brokering activities on their territory.

The new legislation will also introduce controls on the provision of certain types of technical assistance and on the transfer by electronic means of certain software and technology. Penalties for non-compliance with export control regulations will be increased and officers of my Department will be given the statutory right to inspect and audit companies that export military goods. This will complement their existing entitlement to inspect companies engaged in the export of dual-use goods.

The new legislation will ensure that Ireland is meeting its EU and international obligations in full. At the same time, however, it will create a regulatory environment, which does not seek to impede companies engaged in legitimate activities, especially in the highly mobile electronics and ICT sectors.

Company Closures.

107. **Ms McManus** asked the Minister for Enterprise, Trade and Employment if the money raised on the sale of properties at the IFI plant in Arklow, County Wicklow, will be used to pay creditors who are still owed substantial amounts of money by the State; and if he will make a statement on the matter. [29921/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is a matter for the liquidator of IFI to realise the assets of the company, including its properties in Arklow, and to apply the funds raised in the settlement of the debts owed by the company. In this regard, I understand that a contract has been signed for the sale of the company's main production site in Arklow and that it is hoped to close the sale in the near future. While the position of unsecured creditors can only be determined by the liquidator when all the assets of the company have been realised and all liabilities established, I understand that the liquidator hopes to be in a position to make at

least an interim payment to unsecured creditors before the end of the year.

Budget Submissions.

108. **Mr. O'Connor** asked the Minister for Social and Family Affairs his views on the pre-budget submission made by Tallaght welfare society which has provided services in Tallaght since 1969; his proposed responses to the submission; and if he will make a statement on the matter. [29875/05]

Minister for Social and Family Affairs (Mr. Brennan): Earlier this week, I held a pre-budget forum which was attended by 31 representative organisations, including the Tallaght Welfare Society. At this forum, each organisation, including this society, had the opportunity to present its key priorities for consideration in advance of budget 2006. I thank the society for its contribution to the forum and the valuable work which it and many other organisations do in their communities.

I have also received a written pre-budget submission from the society. The proposals contained therein will be considered in the context of the forthcoming budget.

Social Welfare Appeals.

109. **Ms O. Mitchell** asked the Minister for Social and Family Affairs if he will make a decision in the case of an appeal for the carer's allowance in the name of a person (details supplied) in Dublin 16. [29876/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned claimed carer's allowance from 27 July 2005. The deciding officer disallowed the claim on the grounds that the person's means exceeded the statutory limit for receipt of carer's allowance.

She appealed against this decision to the social welfare appeals office on 30 September 2005. In accordance with the statutory requirements the relevant departmental papers and comments of my Department were sought. These are now to hand and the case has been referred to an appeals officer for early consideration.

Under social welfare legislation decisions on 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.

Social Welfare Benefits.

110. **Dr. Fitzpatrick** asked the Minister for Social and Family Affairs the reason he has withdrawn the national fuel allowance from residents

of local authority houses; and if he will make a statement on the matter. [29882/05]

111. **Mr. Quinn** asked the Minister for Social and Family Affairs if he will reverse his decision to withdraw the €9 weekly fuel allowance from 237 senior citizens; and if he will make a statement on the matter. [29950/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 110 and 111 together.

In the course of a routine review of fuel allowance payments, the Department recently ceased allowance entitlement which had been paid in error in a specific number of cases where the recipients were in local authority accommodation with subsidised or low cost heating. The allowances in question, which should not have been put in payment in the first place, were withdrawn in these cases with effect from the start of this winter heating season.

The allowance was terminated in all of these cases as from 29/30 September 2005, and included in their new pension books or in electronic funds transfer payments. The claimants overpaid the allowance were not requested to repay the sums of money overpaid to them.

As a long standing policy within the scheme, fuel allowances are not payable in situations where a person has access to his or her fuel supply or is benefiting from a subsidised or low cost heating service, such as those provided by Dublin City Council at several of its housing complexes.

The basis for this condition of the scheme is that the contribution local authority tenants in communal heating situations make towards their heating costs is limited to a fixed and relatively small amount, typically around €6 per week, included as part of their overall rent charge. Unlike other tenants and social welfare clients generally, who must buy their own fuel at prevailing retail cost, these tenants are protected from increases in heating costs, the true cost of which is subsidised significantly by Dublin City Council and the other local authorities concerned. I have no plans at present to change the fuel allowance eligibility rules in such cases.

More generally, the rates of fuel allowance are under active review in my Department, particularly in view of the significant recent increases in domestic heating fuel prices. However, any change to the scheme would have very significant cost implications and would have to be considered in the context of the budget, and in the light of the resources available to me for improvements in social welfare generally.

112. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded the disability allowance. [29955/05]

Minister for Social and Family Affairs (Mr. Brennan): The person appealed against this decision to the social welfare appeals office. The appeal has been referred to an appeals officer who is of the opinion that an oral hearing is required. Arrangements are being made to have the hearing in the week commencing 7 November 2005. He will be advised of the exact date and venue for the hearing when the necessary arrangements have been made.

Under social welfare legislation decisions on 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.

113. **Mr. Durkan** asked the Minister for Social and Family Affairs if a refugee or asylum seeking family will avail of rented accommodation outside of residential accommodation; and if he will make a statement on the matter. [29989/05]

Minister for Social and Family Affairs (Mr. Brennan): Asylum seekers who arrived in this country since 10 April 2000 can have their accommodation needs and other basic living facilities met through the direct provision services operated by the Department of Justice, Equality and Law Reform. Following changes in social welfare legislation which came into effect on 27 May 2003, rent supplement is not payable where a person is not lawfully in the State, or where a person has made an application for asylum under the Refugee Act 1996 or an application to remain in the State under the Aliens Act 1935, and is awaiting a decision by the Minister for Justice, Equality and Law Reform on that application. Accordingly, if asylum seekers choose not to avail of direct provision facilities, they are not eligible to apply for rent supplement and must meet their accommodation needs from their own resources.

Refugees, including people whose asylum application has been accepted, who have been granted leave to remain in the country are generally entitled to assistance for housing on the same basis as Irish citizens: for example, they can seek to have their housing needs met by their local housing authority. If the housing authority is unable to meet that need and if they are unable to provide for their accommodation otherwise from their own resources, the families or persons concerned are eligible to apply to the Health Service Executive in the normal way for a rent supplement under the supplementary welfare allowance scheme.

114. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason supplementary welfare allowance has been refused in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [29990/05]

Minister for Social and Family Affairs (Mr. Brennan): The position remains as I outlined to the Deputy on 6 October 2005 in response to his question about this case. The Dublin-mid-Leinster area of the Health Service Executive has advised that, following a review of her entitlements, it determined the person concerned was not entitled to supplementary welfare allowance on the grounds that she did not satisfy the statutory habitual residence condition. Her payment was terminated accordingly in September 2005.

The person concerned has been advised of her right of appeal to the relevant officer of the executive against this decision to disallow her claim. She can appeal subsequently if necessary to the social welfare appeals office. No appeal has been received from her to date.

	2003	2004	2005
	€	€	€
State Grant	2,724,000	*3,954,000	**5,397,000
Irish Insurance Federation (IIF)	1,242,000	1,242,000	1,242,000
Other sources (e.g. local authorities, sponsorship)	152,350	102,080	***90,500
Total	4,118,350	5,298,080	6,729,500

* The total amount of Exchequer funding for 2004 included an amount of €1,068,000 in respect of the funding of the public information campaign relating to metrication of speed limits.

** The total amount of Exchequer funding available to the NSC in respect of 2005 includes an amount of €1,432,000 in respect of the funding of the public information campaign relating to metrication of speed limits and €1,000,000 in respect of new drink driving advertisement.

*** The sponsorship received to date in 2005 by the NSC amounts to €90,500

Traffic Management.

116. **Mr. Gregory** asked the Minister for Transport if his Department officials are familiar with the more successful traffic management schemes, park and ride options and match event day parking schemes for residents only, that are in place around major stadia in Britain and in Germany; if his Department can advise or assist local authorities and Dublin City Council in particular on such matters which have national implications; and if he will make a statement on the matter. [29900/05]

Minister of State at the Department of Transport (Mr. Callely): Traffic management arrangements for major sporting events are the responsibility of the Garda Síochána and the relevant local authorities together with the sporting body in question. While my Department is aware of successful schemes to handle sports events abroad, I am confident that the relevant bodies possess the necessary expertise and experience to deal with large match events. My Department is, of course, prepared to consider any requests for assistance which are within its competence.

An outline proposal by Dublin City Council for special parking arrangements applicable to sports or other venues was recently received in my Department and will be considered in the context

Road Safety.

115. **Mr. Neville** asked the Minister for Transport the funding available to the National Safety Council for 2003, 2004 and to date in 2005. [29954/05]

Minister for Transport (Mr. Cullen): My Department makes annual funding available to the National Safety Council, NSC. In addition to Exchequer funding, the Irish Insurance Federation, IIF, contributes to the council's budget and funding is also received from sponsorship sources.

The table sets out the funding available to the council for the years 2003, 2004 and 2005.

of section 35 of the Road Traffic Act 1994, which provides the legislative basis for the making of regulations for the general control of traffic and parking.

117. **Mr. Gregory** asked the Minister for Transport if Dublin City Council's traffic section has sought guidance or permission to consider a parking scheme for residents only in districts around Croke Park when major attendances of in excess of 80,000 people are expected; his Department's response to any such approach; and if he will make a statement on the matter. [29901/05]

Minister for Transport (Mr. Cullen): An outline proposal by Dublin City Council to introduce special parking arrangements that could be applied in the vicinity of Croke Park, or other venues, on specified occasions was received in my Department on 18 October 2005. This proposal will be considered in the context of the parameters established in section 35 of the Road Traffic Act 1994, which provides the legislative basis for the making of regulations for the general control of traffic and parking.

Driving Tests.

118. **Mr. Lowry** asked the Minister for Transport the number of tests carried out in each driv-

ing test centre from 1 January 2005 to date; the number of tests waiting to be carried out in each centre; and if he will make a statement on the matter. [29902/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is set out in the following tables.

*Tests conducted by Centre 1 Jan 2005 to 30 Sept 2005

Centre	Overall Total
Athlone	1,485
Ballina	1,133
Birr	1,171
Buncrana	706
Carlow	2,127
Carrick-on-Shannon	1,314
Castlebar	2,166
Cavan	1,802
Churchtown	3,852
Clifden	288
Clonmel	1,389
Cork	7,238
Donegal	838
Dundalk	2,789
Dungarvan	1,028
Ennis	1,318
Finglas	7,805
Galway	2,575
Gorey	1,202
Kilkenny	2,301

Centre	Overall Total
Killarney	1,877
Kilrush	479
Letterkenny	1,877
Limerick	3,047
Longford	870
Loughrea	1,249
Mallow	1,783
Monaghan	1,471
Mullingar	1,441
Naas	5,456
Navan	3,467
Nenagh	522
Newcastle West	1,586
Portlaoise	1,075
Rathgar	4,880
Raheny	5,138
Roscommon	940
Shannon	735
Skibbereen	1,489
Sligo	1,289
Tallaght	6,251
Thurles	908
Tipperary	582
Tralee	1,931
Tuam	1,131
Tullamore	1,235
Waterford	2,605
Wexford	2,425
Wicklow	1,323
Total	103,589

* Figures are Provisional as at 1 Jan 2005 to 30 Sept 2005.

Applications on Hand — 10/10/05

Centre	Applications on hand	Available for Test	Not Currently Available	Scheduled for Test
<i>Nth. Leinster</i>				
Finglas	10,964	8,303	1,378	1,283
Dundalk	3,656	2,757	384	515
Mullingar	2,073	1,458	205	410
Navan	4,864	3,970	462	432
Raheny	8,390	6,550	736	1,104
<i>Sth. Leinster</i>				
Churchtown/Rathgar	12,070	9,017	1,528	1,525
Gorey	2,595	2,101	130	364
Naas	5,553	4,237	915	401
Tullamore	2,210	1,787	163	260
Wicklow	2,911	2,443	209	259
Tallaght	9,813	7,918	822	1,073

Centre	Applications on hand	Available for Test	Not Currently Available	Scheduled for Test
<i>West</i>				
Athlone	991	603	203	185
Birr	1,410	1,063	126	221
Castlebar	1,958	1,262	391	305
Clifden	487	301	47	139
Ennis	1,641	1,203	166	272
Galway	3,621	2,744	385	492
Loughrea	1,177	840	161	176
Roscommon	1,242	844	147	251
Tuam	1,277	937	139	201
<i>Nth. West</i>				
Ballina	1,183	762	168	253
Buncrana	733	512	87	134
Ck-on-Shannon	913	565	250	98
Cavan	1,683	1,121	242	320
Donegal	1,176	862	127	187
Letterkenny	2,309	1,715	313	281
Longford	1,030	644	153	233
Monaghan	1,243	843	170	230
Sligo	1,782	1,235	251	296
<i>Sth. East</i>				
Carlow	2,434	1,872	312	250
Clonmel	2,099	1,645	228	226
Dungarvan	1,617	1,286	224	107
Kilkenny	1,885	1,038	463	384
Nenagh	765	530	120	115
Portlaoise	1,801	1,516	207	78
Thurles	1,200	973	149	78
Tipperary	1,141	937	124	80
Waterford	3,041	2,101	403	537
Wexford	2,336	1,665	338	333
<i>Sth. West</i>				
Cork	6,933	5,047	876	1,010
Killarney	2,010	1,471	271	268
Kilrush	519	343	55	121
Limerick	4,304	3,400	398	506
Mallow	2,372	1,898	176	298
Newcastle West	1,812	1,384	174	254
Shannon	932	781	102	49
Skibbereen	2,031	1,602	204	225
Tralee	1,644	1,181	258	205

Public Transport.

119. **Aengus Ó Snodaigh** asked the Minister for Transport if he will report on any discussions he or officials from his Department have had with Bus Éireann about organising local bus routes in many of the large towns around Ireland, which would cater for the new estates mushrooming on the outskirts of many towns; and if he will make a statement on the matter. [29962/05]

Minister for Transport (Mr. Cullen): The provision of public bus services on specific routes in response to demand for public bus services is a commercial and operational matter for bus operators. It is open to all bus operators, including Bus Éireann, to initiate new services subject to compliance with the necessary regulatory requirement of giving advance notice to my Department and to compliance with the provisions of section 25 of the Transport Act 1958 concerning competition with licensed private operators.

Parking Regulations.

120. **Dr. Cowley** asked the Minister for Transport his views on whether it is untrue that disabled parking spaces provided by local authorities are free of charge with no time limit applying; when all local authority car parks will have free parking for disabled drivers with a parking disc; and if he will make a statement on the matter. [29945/05]

121. **Dr. Cowley** asked the Minister for Transport when disabled parking bays will be painted blue here, as is the practice in other EU states; and if he will make a statement on the matter. [29946/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 120 and 121 together.

Traffic and parking regulations made in 1997 under section 35 of the Road Traffic Act 1994 provide that the only vehicles that may stop or park in a disabled person's parking bay are those in which a disabled person's parking permit is displayed, provided the vehicle is being used for the convenience of the person to whom the permit was issued. The prohibition on parking in disabled persons' parking bays applies at all times of the day and may not be restricted to particular periods. Equally there is no provision in the regulations for the imposition of a charge for permit holders using the disabled persons' parking bays.

The provisions contained in the traffic and parking regulations apply in respect of the use of public roads only. Section 101 of the Road Traffic Act 1961 provides that local authorities may make by-laws in respect of the use of car parks they provide. The determination of the provisions in such by-laws is a matter for the elected members of the local authority.

My Department is currently engaged in a consultation process with groups representing the interests of disabled persons, who are engaged in the issue of the disabled persons' parking permits, the Garda Síochána, local authorities and the Department of the Environment, Heritage and Local Government regarding the regulatory provisions made under the Road Traffic Acts that relate to the operation of disabled person's parking permits and the use of disabled persons' parking bays. The issue of the future designation of disabled persons' parking bays will be considered in the context of that process.

Driving Tests.

122. **Mr. Ring** asked the Minister for Transport the amount the outsourcing of driver testers will cost his Department; and if he will make a statement on the matter. [29947/05]

Minister for Transport (Mr. Cullen): The package of measures to reduce the backlog of driving

test applications includes a bonus scheme for driver testers, the recruitment of additional testers as well as the temporary outsourcing of a set block of tests. As negotiations are ongoing on the package and the tender price for outsourcing the driving tests is commercially sensitive information, I am not in a position at this point to give a definitive reply on the costs of each element of the package. Upon conclusion of these negotiations, I will do so.

Bovine Disease.

123. **Mr. Kirk** asked the Minister for Agriculture and Food if, in view of the reported outbreak of foot and mouth disease, FMD, in Brazil and the levels of imported beef from there into Ireland, consideration has been given to a total ban, having regard to the traumatic experience in the Cooley Peninsula, County Louth; and if she will make a statement on the matter. [29903/05]

Minister for Agriculture and Food (Mary Coughlan): The European Commission introduces safeguard measures limiting or banning the export of animal products from third countries where the conditions of an animal disease outbreak could seriously affect production and trade in animal products in the EU. In the application of such measures the Community applies the regionalisation principle that can allow trade to continue from non-affected regions. In practice, this means that where there is a disease outbreak, restrictions on trade are applied to products from this affected region while trade can continue from other unaffected parts of this country or region. It will be recalled that this principle was applied to trade here during the FMD outbreak in 2001.

Following confirmation of an outbreak of FMD on a farm in the Eldorado district of Mato Grosso do Sul in the southern part of Brazil, the European Commission introduced the suspension of imports of de-boned and matured beef from the regions of Mato Grosso do Sul, Parana, and also Sao Paulo. Accordingly, beef produced in the affected regions from cattle slaughtered since 29 September 2005 may not now be traded. The measures have immediate effect throughout the EU.

I am satisfied that this safeguard action by the EU is the appropriate response to the recent outbreak of FMD in Brazil. My Department will keep the position under close review in conjunction with the European Commission and other member states.

Departmental Expenditure.

124. **Mr. Ring** asked the Minister for Agriculture and Food the amount of money paid to each local authority last year by her Department; the number of vets employed by local authorities

[Mr. Ring.]

and paid for by her Department; the other payments that were made to local authorities last year on behalf of the Department. [29905/05]

Minister for Agriculture and Food (Mary Coughlan): A schedule of the main payments made by my Department to local authorities in 2004 for the supply of water and refuse collection services is attached. A total of €1,870,479.99 was paid by my Department to local authorities in 2004 in respect of the operation of the Control of Horses Act, the school milk scheme and the neighbourhood scheme. There are no vets employed by local authorities who are paid for by my Department.

SCHEDULE

Local Authority	Amount
	€
Killarney Urban District Council	680.80
Tipperary Urban District Council	725.20
Tralee Urban District Council	2,132.00
Castlebar Urban District Council	2,560.00
Carlow Urban District Council	222.32
Ennis Urban District Council	2449.94
Cavan County Council	589.5
Cork County Council	4,595.58
Donegal County Council	3104.72
Dún Laoghaire/Rathdown County Council	0.00
Fingal County Council	135,628.49
Galway County Council	696.90
Kildare County Council	7,413.00
Laois County Council	2,777.48
Leitrim County Council	209.50
Longford County Council	0.00
Mayo County Council	525.00
Meath County Council	0.00
Monaghan County Council	264.04
Offaly County Council	0.00
Roscommon County Council	634.50
Sligo County Council	340.00
Tipperary South County Council	250.00
Westmeath County Council	1,562.50
Wexford County Council	8,250.58
Waterford City Council	326.03
Dublin City Council	38,019.00
Galway City Council	0.00
Total	213,957.08

Grant Payments.

125. **Mr. Perry** asked the Minister for Agriculture and Food when an area aid payment will be released to a person (details supplied); and if she will make a statement on the matter. [29906/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has been in contact with the father of the named person to clarify the position on applications under the disadvantaged areas and single payment scheme.

The herd number has been transferred in this case and it is, therefore, necessary to carry out adjustments in respect of the applications under both schemes. It will be necessary for the named person's father to complete the appropriate application form to transfer the single payment entitlements to him and an application form has been forwarded to him for completion.

My Department will process the disadvantaged areas scheme payment when the necessary adjustments on the application under that scheme have been completed.

126. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food when payment under the EU single payment scheme will issue to a person (details supplied) and the amount which will be awarded. [29907/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted applications under the *force majeure* and inheritance measures of the single payment scheme and following processing was deemed successful under both measures. The amended position, 6.08 entitlements, total value €8,940.54 net, was outlined to the person named by telephone and in writing on 11 May 2005. The person named has also applied under the category C of the national reserve which caters for farmers who, between 1 January 2000 and 19 October 2003, sold their milk quota into the milk quota restructuring scheme and converted their enterprise to a farming sector for which a direct payment under livestock premia and-or arable aid schemes would have been payable during the reference period 2000 to 2002.

The position is that applications for an allocation of entitlements from the national reserve were received from over 17,500 farmers. Processing of these applications is continuing and the intention is to make allocations to successful applicants by 1 December next. My Department will be in touch with the person named as soon as her application is fully processed. If the person named is successful under this measure it will serve to increase the total value of the entitlements as advised on 11 May 2005. Payments under the single payment scheme will commence in early December.

Road Traffic Offences.

127. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the reason dozens of speeding fines were struck out recently as reported in a newspaper (details supplied) on 16

October 2005; if he will report on the outcome of any investigation; the action he will take to correct the situation; and if he will make a statement on the matter. [29953/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I sought a report from the Garda authorities on this matter and I am informed as follows.

The fixed charge processing system, FCPS, is operational in Dublin, Cork City and parts of Louth and Meath as a live pilot. As the Deputy will appreciate the idea of operating the system on a pilot basis is to identify any glitches in the system before operating countrywide. Due to an IT problem during the course of the pilot, notices did not issue in respect of a batch of offences recorded on the IT system. The IT system, however, showed the notices as issued and, as would be normal, all of these offences moved to summons stage when payment of a fixed charge was not recorded against them. The IT problem was subsequently identified and corrective action taken. However, some of these summonses had been served and when they came before the courts no evidence was offered in support of them. The persons against whom the prosecutions were taken were also written to in advance of the court date. The remaining summonses were not served. A number of the offences came before Drogheda District Court in recent times and no evidence was offered.

More generally, section 103(10) of the Road Traffic 1961, inserted by section 11 of the Road Traffic Act 2002 as amended by section 18 of the Road Traffic Act 2004, provides that in a prosecution for a fixed charge offence it shall be presumed until the contrary is shown that the relevant notice has been served or caused to be served. Where a fixed charge notice is not issued at the time of the offence but issued later, for example, speeding offences detected by camera, service of the fixed charge notice is executed by ordinary post. Where evidence on oath is tendered to a court that a fixed charge notice has not been served, the court determines whether or not the presumption under section 103 has been rebutted.

The giving of false evidence by a driver in court, for example, stating that a notice had not been received when in fact it had, is a serious offence, punishable by a fine or imprisonment or both.

Question No. 128 answered with Question No. 40.

Deportation Orders.

129. **Mr. Fleming** asked the Minister for Justice, Equality and Law Reform if the deportation orders in respect of two persons (details supplied)

in County Laois under section 3 of the Immigration Act 1999 will be lifted or postponed until the case will be considered on humanitarian grounds taking into account the actual health and other relevant factors in these cases; and if he will make a statement on the matter. [29884/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned, both Croatians, arrived in the State on 4 February 2002 and applied for asylum. Their applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. They were informed by letters dated 24 April 2003 and 14 April 2003, respectively, that the Minister proposed to make deportation orders in respect of them and afforded three options under section 3 (3) (b) (ii) of the Immigration Act 1999, as amended, namely to make representations to the Minister setting out the reasons why they should be allowed to remain in the State; to leave the State voluntarily; or to consent to the making of a deportation order.

Their cases were examined under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. Consideration was given to all representations, medical and otherwise, received on their behalf. On 31 August 2005, deportation orders were signed in respect of the persons concerned. Notices of these orders were served by registered post requiring them to present to the Garda national immigration bureau, GNIB, 13-14 Burgh Quay, Dublin 2, today, 20 October 2005, in order to make arrangements for their deportations from the State. The enforcement of the deportation orders is now an operational matter for the bureau.

Visa Applications.

130. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will grant a holiday visa to a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [29885/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was received by my Department on 10 October 2005. Applications are dealt with strictly in the order of date received. As we have an obligation to provide the best possible service to all our customers and to deal objectively with all applications received in a fair and transparent manner, applications are not, as a rule, given priority over earlier applications in the queue. As processing times for visa applications are, on average, between four and six weeks, the applicant can expect a decision in this case in the near future.

Residency Permits.

131. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if the application of a non-national for residency based upon marriage to an Irish national takes 16 months to process compared with the application of a non-national for residency based upon marriage to a national of another EU country which takes only six months to process; and if he will make a statement on the matter. [29886/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications based on marriage to an Irish national referred to by the Deputy are dealt with in chronological order, in fairness to all such applicants, and currently take approximately 16 to 18 months to process. Marriage to an Irish national does not grant any automatic right of residency in the State. 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 in demands for its services over a wide range of areas. Marriage to a national from another EU state comes under EU legislation and must be finalised within a six month timeframe.

132. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if it is his policy that a non-national who marries an Irish national and applies to remain here on that basis will be given permission to remain here during the 16 months it takes to process their application. [29887/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications of the type referred to by the Deputy are dealt with in chronological order, in fairness to all such applicants, and currently take approximately 16 to 18 months to process. Marriage to an Irish national does not grant any automatic right of residency in the State. It has always been the case that the non-national concerned could not enter employment pending the outcome of the application for residency unless, of course, they had a valid work permit. I do not envisage any change in this practice in the immediate future.

Visa Applications.

133. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the status of visitors visa application for a person (details supplied); when a decision will be made; and if he will make a statement on the matter. [29888/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A search of the visa records held by my Department did not locate any refer-

ence to a visa application under the details supplied by the Deputy. Officials of my Department contacted the Irish Consulate in Kiev which also failed to locate any such application. The reference number quoted is not a visa application reference number. Such reference numbers usually contain seven digits.

Refugee Support.

134. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the first guide which has been produced in Cork advising child care providers all over Munster on the way in which to support the children of asylum seekers and refugees; and if he will consider commissioning the publication of such a national guide by his Department in view of the distress which these children are likely to be suffering due to their circumstances. [29889/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the “Guide to help childcare staff support refugee children and educational services”, which has been developed by Cork City child care committee. I welcome any development which supports vulnerable children and promotes best practice. I am aware of other guides to working with culturally diverse children and am supportive of any such initiative.

Visa Applications.

135. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he has received an appeal against the refusal of a visa for a person (details supplied) in view of the fact that this person’s spouse is working here for over four years; if he will take steps to ensure a visa is granted in this case; and if he will make a statement on the matter. [29890/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The appeal against the decision of the visa application referred to by the Deputy was received by my Department on 19 September 2005. In the case of all non-EEA workers seeking to be joined by their family members, they must be in a position to support the family members in question without the need for those family members to have recourse to public funds or paid employment.

Unfortunately, the level of income in this case did not demonstrate that the person is in a position to support their spouse without recourse to public funds. My Department is, therefore, not in a position to grant the visa at this time. However, in the circumstances of this case, I am prepared to consider any fresh representations which may be made by the persons concerned outlining reasons they feel their particular case should be

regarded as an exceptional circumstance which would warrant the approval of the visas in question.

Citizenship Applications.

136. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for a person (details supplied) in County Limerick to be granted naturalisation; and if he will make a statement on the matter. [29952/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application from the person concerned for permission to remain in the State under the revised arrangements announced by me on 15 January 2005 for the non-national parents of Irish born children born before 1 January 2005 is currently being processed and a decision in the case will be made shortly.

Asylum Applications.

137. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) has been refused asylum here; the further reason his Department when refusing asylum informed this person that they would not be deported as Burundi is not safe; his views on whether, if it is not safe for this person to return to their home place, they should receive instantaneous asylum; and if he will make a statement on the matter. [29956/05]

138. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform the reason asylum and a work permit were refused for a person (details supplied); the further reason this person is now allowed to work when they have a full-time job available to them; and if he will make a statement on the matter. [29957/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 137 and 138 together.

The person concerned arrived in the State on 11 October 2004 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, which are two independent bodies.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 16 March 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 why 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.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. I expect the file to be passed to me for decision in due course. The Deputy will be aware that the issue of work permits is a matter for my colleague, the Minister for Enterprise, Trade and Employment. However, it must be noted that the long standing policy of this Government has been not to allow asylum applicants to take up paid employment pending a final decision being made on their applications. I refer the Deputy to my detailed reply to Parliamentary Question No. 779 of 26 January 2005 on the issue of the right to work for asylum seekers.

Asylum Applications.

139. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if he will supply a list of the countries he deems to be unsafe for refugees to return to; the position regarding refugees and where they can go if they have been refused asylum by this country but have also been advised by him that their place of birth is not safe; and if he will make a statement on the matter. [29958/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand the Deputy to be referring to persons who are refused refugee status but who may claim to be in need of protection on grounds other than those set out in the 1951 Geneva Convention relating to the status of refugees and section 2 of the Refugee Act 1996, as amended.

Where persons are deemed not to be refugees, before issuing a deportation order their individual circumstances are considered under section 3 of the Immigration Act 1999. Consideration is also given to the *non-refoulement* provision in section 5 of the Refugee Act 1996, as amended, under which protection grounds other than those covered by the Geneva convention are considered. My Department uses extensive country of origin information drawn from different independent sources, including UNHCR, in evaluating the safety of making returns to third countries.

There is no list of countries which are deemed to be unsafe. The political and social circumstances in countries change and these are monitored over time and, moreover, are assessed with regard to the individual circumstances of the person concerned.

Prison Service.

140. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on whether the prisons inspector has no mandate to comment on the issue of prison privatisation (details supplied). [29959/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The inspector of prisons and places of detention, Mr. Justice Dermot Kinlen, was appointed in April 2002. His terms of reference are as follows: “To inspect and report, as the inspector considers appropriate, to the Minister for Justice, Equality and Law Reform on prisons and other places of detention managed on behalf of the Department by the Irish Prison Service; report in particular on conditions in those institutions and on the regimes in place for prisoners and detainees; investigate and report on any specific issue referred to the inspectorate by the Minister; and submit to the Minister an annual report on the activities of the inspectorate.”

The inspector of prisons is independent in the exercise of his functions and the contents of his annual reports to me are a matter for him to determine.

Residency Permits.

141. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the status of a person (details supplied) in County Offaly who applied to remain here on the basis of parentage of an Irish born child; and if he will make a statement on the matter. [29960/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Parliamentary Question No. 675 of Tuesday, 18 October 2005.

Refugee Status.

142. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when he will be in a position to respond to correspondence relating to a person (details supplied) from 22 December 2004; and if he will make a statement on the matter. [29961/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to her Dáil Question No. 674 on 18 October 2005.

Asylum Applications.

143. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the reason no decision has been made regarding a person (details supplied) who has been seeking humanitarian leave to remain here but has not received news on this request for over three years. [29964/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 26 September 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 29 August 2002 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 why 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. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

Visa Applications.

144. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a holiday visa will be offered to persons (details supplied) in County Meath to visit here; and if he will make a statement on the matter. [29967/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can advise the Deputy that the visa applications in question have been approved.

Residency Permits.

145. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will further extend residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [29969/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned entered the State on 16 April 2003 and applied for asylum. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, they were informed on 27 September 2004 that it was proposed to make deportation orders in respect of them and were given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons why they should be allowed to remain in the State, to voluntarily leave the State or to

consent to deportation. Representations were received by the Department on their behalf.

The persons concerned were granted temporary leave to remain in the State until 29 November 2005. An application was received on 14 October 2005 for a renewal of this permission to remain in the State. Their case file will be submitted to me for a decision in due course.

146. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the case of persons (details supplied) in Dublin 6; and if he will make a statement on the matter. [29970/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned applied for permission to remain in the State under the revised arrangements announced by me on 15 January 2005 for the processing of applications for leave to remain from the non-national parents of Irish born children born before 1 January 2005. It is a requirement under the revised arrangements that each applicant parent is residing with their Irish born child in the State on a continuous basis since the child's birth. Evidence of such residence is also required.

In this case, the child in question was born in the State on 14 January 2004. The applicant mother left the State with her child in October 2004 and claimed asylum in the UK on 9 November 2004, notwithstanding the fact that she had already claimed asylum in the State. She was returned to the State by the UK authorities under the terms of the Dublin Convention on 16 March 2005. Limited evidence was submitted by the applicant father as to his place of residence since the child's birth. However, he cannot have been residing in the State with the child while the child was with his mother in the UK.

The applicants do not meet the criteria for the granting of permission to remain in the State under the revised processing arrangements in so far as continuous residency is concerned and their applications were refused on this basis.

147. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the reason the green card was not issued in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [29971/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application for permission to remain in the State on the basis of family dependency in December 2004. An initial request for documentation issued in March 2005 and although some documentation was received in April 2005 it was insufficient to finalise the application. A further request for documentation was issued on 19 May 2005 and again on 8 September 2005. The matter in ques-

tion relates to the provision of an identity document which is required before a decision can be made. It is expected that on receipt of the documentation requested the case could be finalised within a short period of time.

Refugee Status.

148. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the decision in respect of application for refugee or other residency status in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [29972/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 4 February 2005 and claimed asylum on 7 February 2005. The claim was investigated by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The commissioner's recommendation was communicated to the person concerned by letter dated 16 June 2005. This communication advised the person concerned of her entitlement to appeal the commissioner's recommendation to the Refugee Appeals Tribunal. The person concerned duly appealed the commissioner's recommendation.

The Refugee Appeals Tribunal considered the appeal of the person concerned, following which the tribunal affirmed the commissioner's recommendation. The outcome of the appeal was made known to the person concerned by letter dated 29 September 2005. In accordance with normal procedures, the file of the person concerned has been forwarded to my Department's ministerial decisions unit for final processing. A representative of that unit will write to the person concerned in the near future to advise her of her position in the State.

Garda Deployment.

149. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if sufficient Garda personnel is dedicated to combating drugs, gun crime, money laundering, extortion or racketeering; and if he will make a statement on the matter. [29973/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the focus on combating illegal drugs, gun crime and money laundering, extortion or racketeering comprises both direct and indirect input.

With regard to illegal drugs, the most notable resources are the Garda national drugs unit, divisional and district drug units, as well as the drug section within the Forensic Science Laboratory.

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All of these resources are specifically focused on addressing drug trafficking and distribution within society.

I am further informed that community policing units, particularly those units operating in areas of concentrated drug use, also play a significant role in curbing the supply of drugs at a community level.

In terms of preventing the use of drugs, the Garda Síochána impacts on this strategy in a number of ways which include: participation on the various national fora, including the national drugs strategy team, the national advisory committee on drugs and the 14 local and ten regional drugs task forces; the Garda schools programme delivered to all primary schools, a distinct module of which focuses on substance usage; 64 diversionary projects which target at-risk young people, many of whom have substance usage issues; 87 juvenile liaison officers who specifically work with young people who have come in contact with the criminal justice system for a variety of reasons, including substance usage; and increasing public awareness of substance usage, including numerous presentations to community, voluntary and residential groups by drug unit personnel and input to the current national drug awareness campaign.

Garda management states that personnel attached to the Garda Bureau of Fraud Investigation are involved in combating money laundering activity. Identified targets are investigated, sometimes engaging other national units, such as the Criminal Assets Bureau, the National Bureau of Criminal Investigation, the national surveillance unit and the national criminal intelligence unit. Similarly, the primary Garda units deployed in countering gun crime and extortion or racketeering are the National Bureau of Criminal Investigation, the special detective unit and the Criminal Assets Bureau. Local Garda units often engage with these specialist units as required.

Garda management also states that the issue of the adequacy of resources to meet the demands is a perennial one. Nonetheless, there are a considerable proportion of Garda resources addressing the complex social phenomenon of substance abuse. Garda resources, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

Regarding Garda resources generally, the accelerated recruitment campaign to reach a record force strength of 14,000, in line with the commitment in An Agreed Programme for Government, is fully on target. This will lead to a combined strength of both attested gardaí and recruits in training of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans

on how best to distribute and manage these additional resources and in this context the needs of the Garda Síochána in addressing serious crime will be fully considered within the overall context of the needs of Garda regions throughout the country.

International Co-operation in Law Enforcement.

150. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the degree of co-operation between the Garda and police forces worldwide in the battle against drugs; and if he will make a statement on the matter. [29974/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that international co-operation between law enforcement agencies is achieved in a number of ways, including the exchange of strategic and operational intelligence on the activities and *modus operandi* of criminal networks and organisations involved in the international trafficking of controlled drugs and in drug distribution. International co-operation is also achieved by the conduct of investigations within the State at the request of foreign law enforcement agencies and by requesting the assistance of other jurisdictions in conducting investigations on behalf of the Irish State, in accordance with legislation governing mutual assistance in criminal matters.

In order to facilitate co-operation between law enforcement agencies, the Garda Síochána has assigned liaison officers to the UK, the Netherlands, France, Spain, Europol and Interpol. In addition, the Garda Síochána has made very valuable use of EU funded programmes to organise seminars aimed at enhancing co-operation between law enforcement agencies throughout the European Union. Co-operation with a number of international law enforcement agencies has yielded tangible results, as exemplified by a number of recent successes, and I am satisfied that the Garda Síochána is meeting its responsibilities in terms of international co-operation in the fight against drugs.

151. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he is satisfied with the level of co-operation between the Garda and other police forces, directly or through Interpol; and if he will make a statement on the matter. [29975/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed that the Garda Síochána has an excellent level of co-operation with all EU member states on a one-to-one basis as a result of the Garda Síochána's active participation in EU funded programmes since 1995. A

network of formal and informal contacts has been developed with EU and non-EU countries. Ireland is a member of Europol and is also one of 184 countries that are members of Interpol. Through the Interpol i24/7 server, Ireland has direct access to all Interpol national bureau, which further enables and enhances police co-operation.

Garda Deployment.

152. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardaí and patrol cars available to or operating out of the Garda stations at Leixlip, Celbridge, Maynooth, Naas, Kilcock, Clane, Kill, Carbury, Robertstown and all other major towns and villages throughout County Kildare; if this service is adequate having regard to crime and demographic trends; and if he will make a statement on the matter. [29976/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí and patrol cars available to, or operating out of, the Garda stations at Leixlip, Celbridge, Maynooth, Naas, Kilcock, Clane, Kill, Carbury, Robertstown and all other major towns and villages throughout County Kildare as at 12 October 2005 was as set out in the table.

Station	Gardaí	Patrol Cars
Naas	81	19
Celbridge	18	2
Clane	5	1
Maynooth	15	1
Kill	3	1
Kildare	27	2
Newbridge	32	3
Robertstown	3	1
Kilcullen	3	1
Carbury	2	—
Monasterevin	3	1
Rathangan	3	—
Athy	18	2
Castledermot	2	—
Ballytore	1	—
Kilcock	5	—
Leixlip	26	2
Total	247	36

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed, taking account of demo-

graphic and crime trends. Such monitoring ensures that optimum use is made of Garda resources and the best possible garda service is provided to the general public. Given current resources available, Garda management states that it is satisfied that the current policing resources are adequate to meet the policing needs of County Kildare.

With regard to Garda resources generally, the accelerated recruitment campaign to reach a record force strength of 14,000, in line with the commitment in the agreed programme for Government, is fully on target. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources and, in this context, the policing needs of County Kildare will be fully considered within the overall context of the needs of Garda regions throughout the country.

153. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if adequate patrol cars and gardaí are available on a nightly basis throughout the Dublin metropolitan areas and the greater Dublin area; and if he will make a statement on the matter. [29977/05]

154. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardaí available for patrol on foot or in vehicles on a nightly basis in the Dublin metropolitan area and in the surrounding counties within a 30 mile radius; and if he will make a statement on the matter. [29978/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 153 and 154 together.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the six operational divisions and the Dublin metropolitan traffic corps, which form the Dublin metropolitan region, as at 17 October 2005 was 3,965. The personnel strengths of the eastern and south eastern regions, as at 17 October 2005 were 1,386, all ranks, and 977, all ranks, respectively.

I am advised that in addition to uniform patrols, gardaí from district detective units, divisional crime task force, drug units and divisional traffic units patrol the region referred to by the Deputy on a nightly basis and local management within the Dublin metropolitan region states that it is satisfied that adequate patrol cars and gardaí are available on a nightly basis to meet the current policing needs of the region.

For security and operational reasons it is not Garda policy to disclose the number of personnel on patrol in any particular area over a specific

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period of time. Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible garda service is provided to the general public.

Regarding Garda resources generally, the accelerated recruitment campaign to reach a record force strength of 14,000, in line with the commitment in the agreed programme for Government, is fully on target. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the Dublin metropolitan, eastern and south-eastern regions will be fully considered within the overall context of the needs of Garda regions throughout the country.

Computerisation Programme.

155. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number and cost of all information technology or other high tech facilities provided to his Department in the past five years; the extent to which each facility is operating efficiently and in accordance with value for money criteria; if PULSE is evaluated in this context; and if he will make a statement on the matter. [29979/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for response it has not been feasible to assemble the full range of data requested. I can, however, inform the Deputy that expenditure under the main IT capital and current subheads of the Votes under my Department's aegis — justice, courts, prisons, Garda, Land Registry — for the years 2000 to 2004 amounted to €172.933 million or 1.7% of total accumulated expenditure. To place this spend in context, the total accumulated expenditure on all services for the period in ques-

tion for the five Votes in my Department's Vote group was close to €10 billion.

This expenditure relates to a wide range of organisations with varying and often complex business needs and includes hardware, system development as well as consumable and maintenance costs. I am satisfied that the application of information technology across these public services is contributing towards improved delivery and value for money. This spend included the provision of IT systems for immigration/asylum processing, financial management systems, national criminal case tracking, prisoner records, scanning and imaging documents in the Land Registry, network capacity enhancements and significant numbers of other projects — all of which are aiding the delivery of public services within the justice and equality sector.

In so far as PULSE is concerned, a post-implementation review of the system will take place when work currently ongoing is completed. This review will take place next year and will encompass value for money criteria.

Garda Stations.

156. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number and location of Garda stations throughout County Kildare that are open on a part-time basis; if so, the extent of same; the number closed altogether; his plans to improve the service in view of crime and demographic trends; and if he will make a statement on the matter. [29980/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Carlow/Kildare division as at 19 October 2005 was 332, all ranks. The personnel strength of the Carlow/Kildare division as at 31 December 1997 was 292, all ranks. This represents an increase of 30, or 13%, in the number of personnel allocated to the Carlow/Kildare division since that date. The Garda stations in County Kildare currently operating on a part-time basis are as set out in the following table.

Station	Weekdays	Sundays
Celbridge	9am -1pm 2pm-5pm 7pm-9pm	12 midday-2pm
Clane	10am-1pm	12 midday-2pm
Maynooth	9am-1pm 2pm-5pm 7pm-9pm	12 midday-2pm
Kill	10am-1pm	Not Open
Robertstown	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Kilcullen	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Carbury	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Monasterevin	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not open
Rathangan	Mon, Thur & Sat 3pm-6pm Tue, Wed & Fri 10am-1pm	Not Open
Athy	9am-10pm	9am-10pm

Station	Weekdays	Sundays
Castledermot	10am-1pm	Not Open
Ballytore	3pm-5pm	Not Open
Ballymore Eustace	2pm-4pm	Not Open
Kilcock	10am-1pm	12 midday-1pm
Leixlip	12 midday-1.30pm 7pm-9pm	Not Open

The Garda stations at Naas, Kildare and Newbridge are open at all times. Local Garda management states that resources are utilised to ensure that stations are opened for the periods outlined, in conjunction with ensuring car patrols, foot patrols and all other areas of policing are also addressed. Local Garda management further states that it is not intended at this time to extend the opening hours of any of the stations in County Kildare attached to the Carlow/Kildare division. I am further advised that the extension of the opening hours of any of the Garda stations in County Kildare would necessitate the employment of additional personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties.

Regarding Garda resources generally, the accelerated recruitment campaign of 1,100 Garda recruits each year to reach a record force strength of 14,000, in line with the commitment in the agreed programme for Government, is fully on target. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans on how best to

Unit	2001	2002	2003	2004	18/10/05
N.B.C.I.	97	83	97	92	90
G.B.F.I.	51	65	65	63	57
C.A.B.	21	29	29	30	28
G.N.I.B.	55	130	153	170	160
G.N.D.U.	51	50	52	49	48

NBCI — National Bureau of Criminal Investigation; GBFI — Garda Bureau of Fraud Investigation; CAB — Criminal Assets Bureau; GNIB — Garda National Immigration Bureau; GNDU — Garda National Drugs Unit

All gardaí have a responsibility to deal with offences such as drug crime, money laundering, extortion or racketeering as they arise. I am further advised by the Garda authorities that Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and that the best possible Garda service is provided to the public.

With regard to Garda resources generally, the accelerated recruitment campaign of 1,100 Garda recruits each year to reach a record force strength of 14,000, in line with the commitment in the agreed programme for Government, is fully on

distribute and manage these additional resources and, in this context, the needs of the Carlow/Kildare division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

Garda Deployment.

157. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardaí detailed or deployed to the pursuit of serious crime such as drug dealing, money laundering, extortion or racketeering in each of the past five years; and if he will make a statement on the matter. [29981/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda national units investigating serious crime such as drug dealing, money laundering, extortion or racketeering as 31 December 2001-31 December 2004, and as at 18 October 2005 was as set out in the following table.

target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources and in this context the overall needs of the Garda Síochána will be fully considered.

Question No. 158 answered with Question No. 50.

Question No. 159 answered with Question No. 15.

Departmental Programmes.

160. **Mr. Boyle** asked the Minister for Justice,

[Mr. Boyle.]

Equality and Law Reform the amount of grant support that has been allocated in the past five years in the RAPID designated areas under the equal opportunities child care programme. [29996/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The RAPID or revitalising areas by planning, investment and development programme targets the most concentrated areas of disadvantage in the State by ensuring that priority attention is given to these areas by Departments and State agencies dealing with disadvantage and local development in the widest sense.

The RAPID programme selected 45 target areas in cities and towns for priority investment and frontloading of funding under the National Development Plan 2000- 2006, the NDP. My Department decides on approving funding for RAPID proposals within the context of existing allocations across the Vote under my Department's remit. Particular priority is given to RAPID proposals which fall within the functional areas financed by the NDP.

Although the Equal Opportunities Childcare Programme, EOCP, 2000 — 2006, under the national development plan, is not solely focused on RAPID areas, it has contributed significantly to the provision of child care in RAPID areas. I understand from inquiries made with Area Development Management Ltd., ADM, which administers the grants on my Department's behalf, that funding committed under the EOCP includes the provision of almost €102 million in funding to child care services operating in RAPID areas. This amount includes a mix of projects which came forward in the first instance under RAPID area regeneration plans, and projects which applied directly for funding to the equal opportunities child care programme and which are located in RAPID areas.

The allocations under the EOCP include support for the development of new child care places and support towards the staffing costs of services. Allocations have also been made under the EOCP to organisations which support the promotion of quality in Irish child care, which would positively impact on many services located in RAPID areas.

Traffic Calming Measures.

161. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the extra resources he has made available to the Garda Síochána in counties Sligo and north Leitrim for the provision of speed control and Garda check points: the number of check points and speed controls that have been set up in counties Sligo and Leitrim for

the year 2003, 2004 and to date in 2005; and if he will make a statement on the matter. [30002/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in contact with the Deputy regarding this matter when it becomes available.

Road Safety.

162. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that up to 100 persons are affected following the death of one person on roads; and if he will make a statement on the matter. [30003/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can assure the Deputy that the toll of deaths and injuries on our roads is a matter of great concern to me. The human cost of road collisions is high. Road fatalities and serious injuries affect many more people than those killed and injured. Families, friends, communities and others involved in the incidents are affected as well.

The road safety strategy 2004-2006 sets highly ambitious targets. Achieving these targets requires extra resources, new structures and a focus on clear objectives. Good progress has been made in providing these extra resources and setting up the necessary structure. I believe that the new Garda traffic corps led by an assistant commissioner, with increased numbers, an expanded fleet, a dedicated budget, a clear strategy and tough targets contained in the road safety strategy, will provide effective traffic management and reduce the number of injuries and fatalities on our roads.

Decentralisation Programme.

163. **Mr. P. McGrath** asked the Minister for Education and Science if she will provide details of the 2001 announcement regarding the proposed decentralisation of the NEPS section of her Department to Mullingar. [29844/05]

164. **Mr. P. McGrath** asked the Minister for Education and Science the number of persons who have taken up positions in Mullingar to date under the NEPS decentralisation programme. [29845/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 163 and 164 together.

The National Educational Psychological Service, NEPS, is organised into ten regions, roughly equivalent to the former health board

areas. In June 2001 my predecessor announced the establishment of a number of regional offices throughout the country as part of the programme of structural reform of my Department. The programme followed on from the publication of Mr. Seán Cromien's report on his review of the organisation and structures of my Department. Each office was to provide a point of contact between my Department and the region it served as well as providing accommodation for members of NEPS and the inspectorate serving schools in the region. It was also envisaged that these offices could accommodate staff of other bodies, such as the National Education Welfare Board, NEWB, and the National Council for Special Education, NCSE, which provide direct services in each region.

The midlands region regional office has been fully established in Mullingar since July 2004. NEPS psychologists serving counties Westmeath and Longford are based in the midlands region regional office and the office is also the administrative headquarters for counties Laois and Offaly. Under the Government's programme of decentralisation the headquarters of NEPS will decentralise from Dublin to Athlone.

Psychological Service.

165. **Mr. P. McGrath** asked the Minister for Education and Science the amount of office space which is leased by the NEPS section of her Department in Mullingar; and the annual cost involved. [29846/05]

Minister for Education and Science (Ms Hanafin): National Educational Psychological Service, NEPS, staff of my Department share office space in Mullingar, County Westmeath, with a number of other Department staff, including regional office staff. The question of the cost of leasing the accommodation is a matter for the Office of Public Works.

Decentralisation Programme.

166. **Mr. P. McGrath** asked the Minister for Education and Science the amount of space vacant in the buildings leased in Mullingar under the decentralisation programme; her plans to fill same; and the timeframe involved. [29847/05]

Minister for Education and Science (Ms Hanafin): It is proposed to transfer approximately 300 civil service posts from my Department's headquarters in Dublin to Mullingar under the Government's decentralisation programme announced in December 2003. The indicative date for the provision of accommodation in Mullingar given in the November 2004 report of the decentralisation implementation group is the second quarter of 2008. The Office of Public

Works has been given the task of acquiring sites for the overall decentralisation programme. Achieving the indicative date will depend on the progress made on the remaining stages of site acquisition, planning and construction.

Schools Building Programme.

167. **Mr. Ring** asked the Minister for Education and Science if a school (details supplied) in County Mayo will be included in the school building programme for 2006. [29848/05]

Minister for Education and Science (Ms Hanafin): Negotiations are underway on the site acquisition for the school referred to by the Deputy. Once the site issue is finalised, the project will be considered for progression in the context of the school building and modernisation programme 2005-2009.

School Transport.

168. **Mr. Ring** asked the Minister for Education and Science the reason school transport is no longer being provided to a person (details supplied) in County Mayo; and if they will be accommodated again on the bus. [29849/05]

Minister for Education and Science (Ms Hanafin): My Department understands from Bus Éireann that the child referred to in the details supplied resides 0.96 kilometres from the school in question. The child is not eligible for school transport. My Department further understands that the child has not been carried on a service provided by Bus Éireann.

Road Safety.

169. **Mr. P. Breen** asked the Minister for Education and Science where the responsibility lies for safety of children and parents outside primary schools; the responsibility that her Department or the local authority has to provide car parking in the interest of safety; and if she will make a statement on the matter. [29850/05]

Minister for Education and Science (Ms Hanafin): In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care. While my Department is prepared to consider applications from school authorities for grant aid towards improving safety arrangements, including car parking, at individual schools, grant aid is not available for works outside the vested area of the school. Issues relating to traffic safety outside of school grounds are the responsibility of the relevant local authority.

Special Educational Needs.

170. **Mr. Gogarty** asked the Minister for Education and Science the reason it has taken over two years to sanction resource teaching support to a person (details supplied) in County Dublin; and if she will make a statement on the matter. [29851/05]

171. **Mr. Gogarty** asked the Minister for Education and Science if promised resource teaching for fifth and sixth class will be made available within the next six months to a person (details supplied) in County Dublin under the new general allocation scheme; and if she will make a statement on the matter. [29852/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 170 and 171 together.

My Department has no record of receiving an application for resource teaching support in 2003 for the pupil referred to by the Deputy. 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 supports. Over 70 special educational needs organisers, SENOs, have been recruited throughout the country and are a focal point of contact for schools and parents.

The NCSE has confirmed that the local SENO received an application in September 2005 for resource teaching support from the school in question. This was the first application received by the SENO for this pupil. Having examined the application, the SENO has sanctioned 3.5 hours resource teaching support and the school authorities were notified on 13 September 2005. The pupil's special educational needs fall within the low incidence disability category and, therefore, attract an individual teaching allocation.

The new general allocation scheme caters for children with high incidence special needs such as dyslexia and those with learning support needs. It does not, therefore, apply in the case of the pupil concerned.

Vocational Education Committees.

172. **Mr. Crowe** asked the Minister for Education and Science the reason Mayo Vocational Educational Committee is between €50,000 and €100,000 short on its budget when the pay increase due to the tutors under the national agreement was effectively offset against their summer holidays. [29853/05]

Minister for Education and Science (Ms Hanafin): My Department was contacted by the chief executive officer of the County Mayo vocational committee, Mr. Joseph Langan, on

Friday, 7 October, about the matter. My officials requested that the matter be put in writing so it could be considered. As yet no written communication has been received.

The adult literacy services are delivered locally by VECs under the budget for adult literacy, community education and the special initiatives for disadvantaged adults scheme. The national position regarding the allocations is as follows. All VECs were notified by letter from my Department on 30 March 2005 of their provision for 2005 covering their further education programmes. These include adult literacy and community education programme, the vocational training opportunities scheme, post leaving certificate courses, senior Traveller training centres, Youthreach and the back to education initiative.

The provision to County Mayo VEC for the adult literacy programme in 2005 is €422,187 as against an allocation of €406,176 for 2004. This represents an increase of 10.39% which was one of the highest percentage increases to any of the VECs. The corresponding increase in the overall subhead was 9%. This increase was in recognition of the demographic factors and the dispersed nature of the population in that county. The number of literacy clients for 2004 was 660.

Under the VEC Amendment Act 2001, each VEC must remain within its allocation for the year. The VEC has discretion over how it allocates its resources and the nature and extent of adult literacy provided. However, it is expected of each VEC that it plans its activities to ensure that literacy services are available throughout the year, based on the annual budget provided.

On a national level, my Department has increased the resources for adult literacy from some €1.3 million in 1997 to €22 million this year. Numbers of clients have increased from 5,000 in 2000 to 33,000 in 2004. County Mayo has played its part in the expansion of client numbers and service, as seen by an increase in clients from 316 in 2000 to 660 in 2004. The six month return to June 2005 indicates 763 clients. Notwithstanding the impressive increase in numbers it is very important that VECs must plan their literacy courses for the full 12 months within the budget provided.

I reiterate that my Department was given very little prior warning of this matter and looks forward to receiving written communication from County Mayo VEC. Until my Department receives written communication from County Mayo VEC, I cannot comment on the financial figures quoted in the Deputy's question.

173. **Mr. Crowe** asked the Minister for Education and Science the steps she will take regarding the ending by Mayo Vocational Education Committee of literacy and back to education initiative schemes throughout the county until some unspecified time in January 2006; and if her

attention has been drawn to the fact that a restart in January 2006 for BTEI students will not allow enough time to complete the course. [29854/05]

Minister for Education and Science (Ms Hanafin): In March 2005, County Mayo Vocational Education Committee was notified by the Department of a budget allocation amounting to €529,000 in respect of back to education initiative or BTEI programmes, for the financial period January to December 2005. Approximately 232 places and 45,408 tutor hours are being supported in 2005. An initial payment of 60% of the budget allocation, that is, €292,002, was paid to County Mayo VEC in early May 2005. The balance of €236,998 of the budget allocated for this year is about to be paid.

The VEC has also requested an extra €50,000 in respect of additional activity. The CEO of County Mayo VEC has recently requested a meeting with the further education development unit to discuss this financial issue and this meeting is currently being arranged. The matters relating to literacy which the Deputy has also raised have been addressed in today's Question No. 173.

Schools Building Projects.

174. **Mr. Crowe** asked the Minister for Education and Science the position regarding the relocation of a school (details supplied) in County Donegal; if her attention has been drawn to the fact that the majority of the parents of children attending will remove their children from this school and enrol them in another primary school if the relocation proceeds. [29855/05]

Minister for Education and Science (Ms Hanafin): My Department is moving towards a model of devolving responsibility, authority and funding for building projects to school management authorities where appropriate. The devolving of funding to local level allows schools to have ownership of their projects and assist in moving projects in a specific timeframe to tender and construction.

Earlier this year I announced details of 97 primary school that would benefit under the small and rural schools initiative. I am pleased to confirm that the school referred to by the Deputy was selected for inclusion in the scheme in the current year. Inclusion in this initiative allows the board of management of the school to address its accommodation and building priorities with a guaranteed amount of funding and gives the board control over the pace at which building works proceed.

As school authorities control the planning and construction phases of the improvements works at their own school under the small and rural schools initiative, parents should outline any concerns to the board of management.

Physical Education Facilities.

175. **Mr. Crowe** asked the Minister for Education and Science when permission will be granted for a physical education hall to be constructed at a school (details supplied) in County Donegal. [29856/05]

Minister for Education and Science (Ms Hanafin): My Department is committed to funding the provision of PE, general purpose and outdoor play areas in schools as part of the school building and modernisation programme. This is being addressed in the context of available resources and the published criteria for prioritising school building projects.

The provision of PE halls at post-primary level is considered an integral part of the design stage for any major refurbishment programme of existing school buildings, providing always that the site is of sufficient size, or where a new school on a greenfield site is being built. The PE hall project at the school referred to by the Deputy has been assessed in accordance with the published prioritisation criteria, which were revised last year following consultation with the education partners. The project is being considered in the context of the school building and modernisation programme 2005-2009.

State Examinations.

176. **Mr. Lowry** asked the Minister for Education and Science the legal implications of leaving certificate result re-checks when a college course has already started; the obligation that is placed on her Department, the State Examinations Commission or the individual institutions to reserve places for potential upgrade students; and if she will make a statement on the matter. [29857/05]

177. **Mr. Lowry** asked the Minister for Education and Science if instructions will be given to the State Examinations Commission to bring forward the publication and notification of re-checks of leaving certificate students to allow those students whose results are increased to avail of college places in the upcoming academic year instead of having to wait until next year; and if she will make a statement on the matter. [29858/05]

179. **Mr. Lowry** asked the Minister for Education and Science her views on the case of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [29860/05]

180. **Mr. Lowry** asked the Minister for Education and Science her views on the case of a person (details supplied) in County Tipperary; and if

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she will make a statement on the matter.
[29861/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 176, 177, 179 and 180 together.

The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including determining procedure to enable the review and appeal of results of examinations at the request of candidates. Notwithstanding this, I have had inquiries made with the State Examinations Commission and have been advised that the results of the leaving certificate, which issue from the commission in August of each year, are provisional only. This is clearly stated in correspondence.

The objective of the State Examinations Commission is to ensure that the processing of results is as free from error as possible. The leaving certificate examinations cover 375,000 grades to 57,000 candidates involving 3000 examiners. Recognising the inevitable problems that can arise in a system of this size, a transparent, easily accessible and effective appeals process is available to all candidates who are unhappy with their results.

The appeals process involves candidates viewing their scripts to see how marking schemes were applied, and this was completed in 2005 on 2 and 3 September. The closing date for receipt of appeal applications was 7 September. The results of the appeals — some 11,500 in all — issued on 12 October, some five weeks later, during which time the physical re-marking of the appeal scripts took place. During this limited timeframe, examination scripts had to be retrieved from schools, distributed to examiners, fully re-marked by appeal examiners, monitored in at least 20% of cases by appeal advisers and returned to the State Examinations Commission for results processing.

It is acknowledged in examination systems all over the world that some level of error may occur. It is for that reason that national examination systems must have effective appeal processes. The Irish system is a world leader in terms of giving candidates an opportunity to view their scripts before deciding whether or not to appeal. Another comparable strength of the appeal system is that a full re-marking — as distinct from a check of mark addition — takes place. On balance it is considered that it is better to have a comprehensive, quality appeal system that takes some time to execute rather than to prejudice quality by a less comprehensive, speedier process.

Offers of third level places are made by the CAO on the basis of the provisional results issued in August. There are good reasons why it does this because to delay the offering of places until the appeals process is completed would impact upon the start date for the academic year and

thus disadvantage the overwhelming majority of candidates whose provisional results are their final results. The State Examinations Commission makes every effort to process the results of appeals as quickly as possible to facilitate the college entry process balanced with the need to allow the appeal examiners sufficient time to carry out a thorough re-marking of candidates' work.

With regard to the particular cases referred to by the Deputy, the admissions office of UCD has confirmed that the courses to which both candidates sought admission are fully subscribed for 2005-06. However, I understand that UCD is currently exploring ways in which a number of candidates who have had leaving certificate upgrades can begin their studies in the current academic year. UCD has, however, confirmed the offer of a guaranteed place to both candidates for 2006-07.

The question of the granting of academic credit in respect of a course of study undertaken overseas in the current academic year by one of the candidates should be pursued directly with UCD, providing details of course content covered in the first year of the programme, so that a decision on credit can be made.

Third Level Fees.

178. **Mr. Lowry** asked the Minister for Education and Science her plans to introduce college tuition fees; if fees will be introduced in the next academic year; and if she will make a statement on the matter. [29859/05]

Minister for Education and Science (Ms Hanafin): There are no proposals for the re-introduction of tuition fees for third level undergraduate students.

Questions Nos. 179 and 180 answered with Question No. 176.

Multi-denominational Schools.

181. **Mr. McCormack** asked the Minister for Education and Science if a decision will be made in order that the State puts the development of multi-denominational education on a statutory footing and to make it an objective of the national development plan; and if she will make a statement on the matter. [29862/05]

Minister for Education and Science (Ms Hanafin): In accordance with the provisions of the Education Act 1998, I, as Minister, am obliged to have regard to the need to reflect the diversity of educational services provided in the State. Applying this provision to the development of multi-denominational education, at primary level, my Department has supported the establishment of a significant number of new multi-

denominational schools in recent years. Of the 24 new schools granted provisional recognition in the past three years alone, 12 are multi-denominational. At post-primary level, the requirement for multi-denominational education is met by the State sector through non-designated vocational education committee schools.

To underpin the establishment of new schools, my Department has made a number of changes in recent years which have assisted patron bodies in the provision of accommodation. One of these changes, which was strongly welcomed by the patron body for multi-denominational schools, was the abolition of the local contribution to the building costs for State owned school buildings, which had cost up to €63,000 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster, such as in the case of the new multi-denominational school in Griffeen Valley, Lucan, which was designed and built in less than 13 months.

Many multi-denominational primary schools are established in areas of rapidly expanding population growth. School building projects in these areas are assigned a band one rating under the published prioritisation criteria for large scale building projects. This is the highest band rating possible, which results in the delivery of permanent accommodation in the shortest timeframe achievable.

These measures are a strong indication of my Department's commitment to supporting an educational diversity agenda, including multi-denominational education provision. It will continue to do as part of its own statutory obligations and in the context of the national development plan, which is structured to support the development of all educational sectors regardless of ethos.

School Accommodation.

182. **Aengus Ó Snodaigh** asked the Minister for Education and Science the steps that are being taken to address the severe overcrowding in schools in Mullingar due to the population growth in the town. [29863/05]

183. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her Department is monitoring the census figures relating to Mullingar to plan the future provision of primary and secondary school education for children from Mullingar and the surrounding towns. [29864/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 182 and 183 together.

My Department accepts that Mullingar is a developing town and is taking a number of steps to ensure that its future needs are met in a timely

fashion. In this regard, progress on a number of large scale building projects is being considered for progression under the school building and modernisation programme. This involves a combination of extensions, refurbishments and the provision of new school buildings.

In addition, an in-depth examination of both primary and post-primary infrastructural provision in Mullingar is currently being carried out in the school planning section. The census figures for Mullingar are being taken into account in this examination, the findings of which will inform the extent and nature of any future provision to be made.

School Enrolments.

184. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils per class and per school in Mullingar; and the enrolment figures for next year. [29865/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. If the Deputy would like information on a particular school, I would be happy to provide it.

School Accommodation.

185. **Aengus Ó Snodaigh** asked the Minister for Education and Science the steps that are being taken to replace prefabricated school rooms that are in use in various schools in Mullingar with more suitable and long-term structures. [29866/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of applications for major capital funding from the management authorities of a number of schools in Mullingar. These applications has been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

Teachers' Remuneration.

186. **Ms Enright** asked the Minister for Education and Science if there is a variation in salary scale for teachers who have graduated through the postgraduates teacher training course run by the traditional training colleges and those who have qualified by way of the Hibernia graduate course; and if she will make a statement on the matter. [29922/05]

Minister for Education and Science (Ms Hanafin): All qualified primary and post-primary teachers are paid on the common basic scale for

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teachers. New teachers who complete a three year, full-time recognised primary teacher training course are awarded one increment and are placed on the second point of the common basic scale for teachers. Teachers who complete a recognised primary degree and a recognised full-time postgraduate course are awarded a second increment and are placed on the third point of the scale. The Hibernia graduate course is a part-time course and does not qualify for the award of a second increment.

Special Educational Needs.

187. **Ms Enright** asked the Minister for Education and Science the reason home tuition will be stopped for a person (details supplied) in County Offaly from 22 December 2005 despite the fact that this person still needs this extra assistance; and if she will make a statement on the matter. [29925/05]

Minister for Education and Science (Ms Hanafin): I am most anxious that all children receive an education appropriate to their needs. The home tuition scheme is primarily intended to provide compensatory instruction for pupils who have a medical ailment that is likely to cause major disruption to their attendance at school. In this context, my Department provides home tuition grants in respect of pupils who cannot attend school at all or who are absent for a significant proportion of the school year.

My Department also sanctions home tuition in cases where children are awaiting a suitable school placement. My Department considers that school based education provision is the most appropriate intervention for all children and has discontinued the practice whereby children who are in full-time education provision would also be able to avail of home tuition grants.

The following dedicated resources are now deployed to support children with special educational needs in the primary system. There are now 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. One out of every five primary school teachers is now working specifically with children with special needs; there are nearly 6,000 special needs assistants; more than €30 million is spent on school transport for special needs pupils; and more than €3 million is provided towards specialised equipment and materials.

I can confirm that the pupil in question is being catered for in a special class for pupils with autism with a maximum pupil teacher ratio of 6:1 together with special needs assistant support. She has also been in receipt of a home tuition grant. My Department has written to the pupil's parents

confirming its intention to discontinue the practice of sanctioning home tuition grants for pupils who are also in full-time education. This has also been communicated to the pupil's school.

In the interim, however, my Department has sanctioned the continuance of the grant for this pupil to the end of the current school term to allow further consideration to be given to the needs of the pupil. In this regard, the school has been requested to make contact with the local special education needs organiser, SENO, to discuss how the needs of the pupil can be met by the school.

Residential Institutions Redress Scheme.

188. **Ms Enright** asked the Minister for Education and Science if she has carried out an investigation into allegations that some solicitors have charged clients excess or separate fees for work done at the redress board; and if she will make a statement on the matter. [29926/05]

Minister for Education and Science (Ms Hanafin): Section 27 of the Residential Institutions Redress Act 2002 provides that all reasonable legal costs and other costs associated with the preparation and presentation of an application to the redress board will be met by the board. In the event that agreement cannot be reached between the board and the applicant's legal representative, the matter is referred to the taxing master of the High Court for determination.

The redress board's published guidelines and other publicity material on the redress scheme specifically highlight the fact that all reasonable legal costs incurred in respect of applications for redress are payable by the board. Furthermore, as solicitors are required under law to fully inform their clients, in writing, of the legal costs payable in their case, it is incumbent on the solicitor to inform an applicant to the redress board that all reasonable legal costs will be met by the board and that the applicant should not have to pay any legal costs.

The Law Society of Ireland is the body responsible under law for regulating the solicitor profession and as such it is a matter for the society to investigate complaints about the conduct of a solicitor. Earlier this year, my Department became aware that the society had taken the view that it was precluded from investigating complaints from applicants regarding overcharging by solicitors as a result of the prohibition on disclosure of information under section 28 of the Redress Act. Arising from this, I included an amendment to this section on Committee Stage of the Commission to Inquire into Child Abuse (Amendment) Bill 2005 to enable the Law Society to investigate such complaints. This Bill was enacted into law on 9 July 2005.

In early October, the Attorney General wrote to the Law Society and the Bar Council in clarification of the issue. That correspondence is ongoing. The redress scheme was set up by the Government to help alleviate the injury and suffering experienced by victims of child abuse in residential institutional care. Awards made by the board are payable in full to the applicant, without any deduction for costs.

It is a disgraceful practice that some solicitors would take advantage of their clients by overcharging as reported. I welcome the steps taken by the Law Society to examine and deal with the issue of overcharging by solicitors and to ensure that applicants to the Redress Board are fully reimbursed where overcharging has arisen. I expect the society to take whatever action is appropriate.

School Staffing.

189. **Ms Enright** asked the Minister for Education and Science if any change in the regulations relating to the appointment of teachers will be approved; if she will amend the regulations so that the waiting time for extra teachers for schools with an increased enrolment will be significantly shortened; if her attention has been drawn to the considerable difficulties that this delay in appointing additional teachers causes for schools; and if she will make a statement on the matter. [29928/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. This is in accordance with guidelines agreed between my Department and the education partners. The staffing schedule is outlined in a circular which is issued annually to all primary schools.

Within the terms of the current staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn. There are no proposals at present to change these arrangements.

School Accommodation.

190. **Mr. Broughan** asked the Minister for Education and Science if she will report on the position regarding a school (details supplied) in Dublin 5; and her views on the long standing

desire of the local parish that the school campus should be retained for educational and community purposes. [29935/05]

Minister for Education and Science (Ms Hanafin): A decision was taken by the trustees of the school to which the Deputy refers that it will close in June 2007. A decision has not yet been taken by my Department on the future use of the school building and site. The concerns of the local parish will be taken into account when considering this matter.

School Meals.

191. **Mr. Broughan** asked the Minister for Education and Science the position regarding school lunch breaks; if schools are required to provide facilities to consume and heat food or to provide a hot meal for students; her views on whether provision in this regard compares unfavourably with our EU partners. [29936/05]

Minister for Education and Science (Ms Hanafin): School canteens are not included within the current accommodation brief for new primary or post-primary schools. Generally a servery is provided for schools with general purpose or GP rooms. At primary, the servery comprises a small room with sufficient space to store crockery and a hot water boiler. At post-primary, a fridge and cooker is also provided.

The majority of the 400 plus schools in the school completion programme and more than 100 of the primary schools with disadvantaged status participating in Giving Children an Even Break, operate some level of breakfast or other meal provision, in accordance with the nutritional guidelines issued by the Department of Social and Family Affairs. In addition to being able to use funding from the school completion programme and-or Giving Children an Even Break, the provision of school meals is primarily funded by the school meals programme, administered by the Minister for Social and Family Affairs and involving both an urban scheme operated by 36 participating local authorities and a local projects scheme. In 2004, some 82,000 children benefited from these schemes.

Physical Education Facilities.

192. **Mr. J. Higgins** asked the Minister for Education and Science if the necessary funding will be made available for a sports hall in a school (details supplied) in Dublin which has been approved since 2000. [29992/05]

Minister for Education and Science (Ms Hanafin): An application for a new PE hall at the school to which the Deputy refers has been assessed in accordance with the published prior-

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itisation criteria for large scale building projects. The project has been assigned a band four rating and its progress will be considered in the context of the school building and modernisation programme from 2006 onwards.

Schools Refurbishment.

193. **Mr. J. Higgins** asked the Minister for Education and Science if the necessary funds will be made available to carry out the necessary structural and refurbishment works at a school (details supplied) in Dublin. [29993/05]

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 management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

Multi-denominational Schools.

194. **Mr. J. Higgins** asked the Minister for Education and Science if she will make available to Educate Together the finances it has requested to underpin the need for such schools in the State and if the development of multi-denominational education will be put on a statutory footing. [29994/05]

Minister for Education and Science (Ms Hanafin): The level of funding that my Department provides to Educate Together as a school management body is on a par with that provided to Foras Patrúnachta na Gaelscoileanna, the Church of Ireland Board of Education, the Islamic Board of Education and the National Association of Boards of Management in Special Education. However, following discussions with Educate Together, my Department has provided additional funding to Educate Together in 2005 to meet the immediate issues of concern to that body. The matter of the future funding to be provided to the primary management bodies, including Educate Together, in 2006 will be considered as part of the normal Estimates process.

In accordance with the provisions of the Education Act 1998, as Minister, I am obliged to have regard to the need to reflect the diversity of educational services provided in the State. Applying this provision to the development of multi-denominational education at primary level, my Department has supported the establishment of a significant number of new multi-denominational schools in recent years. Of the 24 new schools

granted provisional recognition in the past three years alone, 12 are multi-denominational. At post-primary level, the requirement for multi-denominational education is met by the State sector through non-designated vocational education committee schools.

To underpin the establishment of new schools, my Department has made a number of changes in recent years which have assisted patron bodies in the provision of accommodation. One of these changes, which was strongly welcomed by the patron body for multi-denominational schools, was the abolition of the local contribution to the building costs for State owned school buildings, which had cost up to €63,000 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster, such as in the case of the new multi-denominational school in Griffeen Valley, Lucan, which was designed and built in less than 13 months.

Many multi-denominational primary schools are established in areas of rapidly expanding population growth. School building projects in these areas are assigned a band one rating under the published prioritisation criteria for large scale building projects. This is the highest band rating possible, which results in the delivery of permanent accommodation in the shortest timeframe achievable.

These measures are a strong indication of my Department's commitment to supporting an educational diversity agenda, including multi-denominational education provision. It will continue to do so as part of its own statutory obligations and in the context of the national development plan which is structured to support the development of all educational sectors regardless of ethos.

Schools Building Projects.

195. **Mr. J. Higgins** asked the Minister for Education and Science her Department's provision and timetable to cater for primary education for the massive new development on the site of the former Phoenix Park racecourse. [29995/05]

Minister for Education and Science (Ms Hanafin): My Department has made a number of important interventions in the Dublin 15 area to meet the demand for educational facilities emanating from new housing developments. Included in these interventions is the reservation of a site in the former Phoenix Park racecourse area specifically to meet the anticipated demand for primary provision in that area. The timing of the acquisition and development of this site is currently under consideration.

Housing Grants.

196. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the steps he will take to provide grant assistance to house owners in group developments in rural areas to upgrade or replace septic tanks that are not functioning properly; his further plans to increase the group waste grants that will apply in such situations; and if he will make a statement on the matter. [29893/05]

197. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans he has to provide grant assistance in rural areas seeking to refurbish or replace old septic tanks that are not functioning properly; and if he will make a statement on the matter. [29894/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 196 and 197 together.

I refer to the reply to Question No. 791 of 18 October 2005.

Housing Estates.

198. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the steps that are being taken by his Department to help city and county councils to get builders to properly finish off housing estates to allow the local council to take them in hand. [29895/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Developers of housing estates have the primary responsibility for ensuring that these are completed. The Planning and Development Act 2000 contains significant provisions which enable planning authorities to require developers to complete housing estates: for example, a planning authority may require as a condition of a planning permission for the development of an estate that the development be satisfactorily completed within a period of not less than two years from the commencement of works.

The Act also enables a planning authority to attach conditions requiring the giving of adequate security for the satisfactory completion of a development and, if the development is not subsequently satisfactorily completed, may apply the security to ensure its satisfactory completion. It is a matter for the relevant planning authority to impose conditions and similarly to ensure that adequate security for the completion of estates is obtained.

It should also be noted that the provisions concerning the enforcement of planning control in general have been considerably strengthened in the 2000 Act. Fines have been greatly increased, planning authorities are now obliged to follow up

genuine complaints about breaches of planning control within a given timeframe and also are entitled to retain fines imposed by courts for planning offences.

Moreover, the fact that an application for retention permission has been made is no longer a defence to a prosecution for unauthorised development. Planning authorities may also refuse to grant planning permission, subject to the consent of the High Court, to any developer who has seriously failed to comply with a previous permission.

Finally, under section 180 of the Act, planning authorities may refuse to take an estate in charge until it is completed to its satisfaction. If after a period of seven years, the estate has not been completed satisfactorily by the developer, a planning authority must, if requested to do so by the majority of the qualified electors who are owners or occupiers of the houses involved, initiate the procedures for taking an estate in charge. This provision ensures that planning authorities have sufficient time to require developers to complete estates.

Social and Affordable Housing.

199. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the amount and location of land and sites and the amount of moneys secured for the development of social and affordable housing in respect of permission given to private developers to build private accommodation in Dún Laoghaire/Rathdown County Council area by the county council under the terms of Part V of the Planning and Development Acts 2000-2002; and if a detailed breakdown of such acquisitions will be provided. [29944/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information up to June quarter 2005 on the number of housing units acquired by Dún Laoghaire-Rathdown County Council under Part V of the Planning and Development Acts 2000-04 is published in my Department's housing statistics bulletins, which are available in the Oireachtas Library and on the Department's website at www.environ.ie.

In addition, one transfer of land has been completed involving 0.29 hectares, the location of which is not available in my Department. The authority has also received some €2.8 million in lieu of land transfers and under the withering levy. No fully or partially serviced sites have been transferred to Dún Laoghaire-Rathdown County Council.

Water and Sewerage Schemes.

200. **Mr. Ring** asked the Minister for the Envir-

[Mr. Ring.]

onment, Heritage and Local Government the position regarding a sewerage scheme (details supplied) in County Mayo; if he met with a group from that area to discuss this matter; if so, the persons who attended that meeting; if this scheme will be included in the polluter pay principle even though this scheme preceded the introduction of the new polluter pay principle guidelines; the reason this scheme is being included; the cost of the local contribution amount if the scheme will be included in the polluter pay principle; the reason this scheme is being included in this new polluter pay principle scheme as it was included in the small schemes initiative a number of years ago; and if he will make a statement on the matter. [29997/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Achill Sound sewerage scheme has been approved for construction under my Department's Water Services Investment Programme 2004-06. I have already cleared Mayo County Council's tender recommendations for the scheme and its further advancement is now a matter for the council.

In common with all projects funded under the water services investment programme, the Achill Sound scheme is subject to the water services pricing — polluter pays — policy. In broad terms, this policy provides for the capital costs associated with the provision of services to meet the requirements of the existing domestic population being funded by my Department. The additional marginal capital cost of servicing non-domestic consumers, and providing for future development, is recovered by the local authority from all non-domestic consumers in its functional area through a combination of water charges on commercial consumers and planning levies on future development. Local authorities should ensure that the design and scale of individual schemes takes account of the implications of the pricing policy framework.

My Department is currently awaiting submission by Mayo County Council of a revised water services pricing policy report that will determine the appropriate apportionment of the capital costs in this case in accordance with the policy framework. The deputation I recently met, led by Deputy Carty and Councillor Michael McNamara, has been advised of the position as set out above.