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Mr. Kenny: The Taoiseach and his Ministers are prone to answering questions about rip-off with a sense of denial, but I would like to raise a particular issue. My colleague, Deputy Stanton, has conducted extensive research on the cost of disability equipment here compared to in the United Kingdom. His survey shows that people with disabilities, the Health Service Executive and the taxpayer here pay on average more than 40% higher prices for disability equipment, and in one case more than 100%.

Deputy Stanton’s survey looked at 19 basic items that serve disabled people in their daily lives, including mobility equipment, toiletry aids, safety grab rails etc. He found on average that prices here are 40% higher than in the United Kingdom. Five items were over 50% more expensive. For example, the memory foam cushion is £137.83 in UK prices, but £275 in Ireland, a differential of approximately 100%. The prop-up bed wedge used by disabled people is £20.94 in Britain, but £38.30 in Ireland, a differential of over 83%. The grab rail, which is an important aid for disabled people, is £11.54 in England and £17.50 here, over 52% of a price differential. Two very important items are the stair lift and the four-wheel scooter. The 16-step stair lift is £1,400 in the United Kingdom but there is a differential of £611.83 here. The four-wheel scooter is over £770 dearer here.

These differentials illustrate that the taxpayer, the HSE and, most importantly, disabled persons are ripped off by prices of items essential for their daily comfort and convenience. Should there not be a review of these prices by the Competition Authority? Will the Taoiseach instruct it to carry out such a review and investigation to ensure these mini cartels are broken up and that the taxpayer, the HSE and disabled persons get fair treatment across the board and are not ripped off in this manner?

The Taoiseach: I do not have details on the prices, but if those differentials are as Deputy Kenny states, they are excessive. From the Government perspective, this is an issue for the Competition Authority and it should already be examining it. This may be an issue partly as a result of the significant resources we are now putting into the disability area.

Mr. J. O’Keeffe: Waste not, want not.

Mr. P. McGrath: Was that Deputy Martin again?

Mr. Martin: I hope Deputy McGrath supports the legislation.

The Taoiseach: Some €643 million has been invested into support services for people with disabilities in the past few years. It would be regrettable if investment in the health boards, now the HSE, and resources for additional places, equipment and voluntary agencies resulted in excessive prices because of the extra money and opportunity to sell equipment. Deputy Kenny makes the point that the Competition Authority should examine this area. If agencies or a limited number of people are purchasing, it should conduct an examination.

The Taoiseach: Some €643 million has been invested into support services for people with disabilities in the past few years. It would be regrettable if investment in the health boards, now the HSE, and resources for additional places, equipment and voluntary agencies resulted in excessive prices because of the extra money and opportunity to sell equipment. Deputy Kenny makes the point that the Competition Authority should examine this area. If agencies or a limited number of people are purchasing, it should conduct an examination.

The Taoiseach: The Rehabilitation Institute, the Central Remedial Clinic and the other organisations purchase directly and in many cases have the opportunity to buy in multiples. One would imagine they would pass the equipment on to individuals as would the HSE in its various regions. It would be interesting to see how their prices compare with those mentioned by Deputy Kenny. I do not know, but the information should be easily found.

Mr. Kenny: The issues raised by Deputy Stanton in his survey are not theoretical. These items were all priced in late August or early September of this year. The differentials call into question public procurement policy. Does this sort of rip-off apply throughout the public procurement system where other materials are required for various categories of people? Why is this not being investigated?

Some 18 months ago, the post-polio support group brought this issue to the attention of the Department of Health and Children. That Department was happy to announce it would investigate it, but nothing has happened.

Mr. P. McGrath: Was that Deputy Martin again?

Mr. Martin: I hope Deputy McGrath supports the legislation.

An Ceann Comhairle: Deputy Kenny, without interruption.

Mr. Kenny: The Department went on to say the information provided by the post-polio support
[Mr. Kenny.] Group would be very helpful in that regard. However, we have examples of 19 pieces of equipment, priced in late August and September of this year, where the average differential in price is over 40%, and up to 100% in some cases. When we talk to people who must sit in wheelchairs and conduct their lives as best they can, we find they are being ripped off. However, the HSE, the Department of Health and Children and the Government are not investigating why this happens.

Will the Taoiseach tell us that he will ask the Competition Authority to investigate this rip-off system? If we apply the difference in prices spent on mobility equipment here, it means that over the past number of years over €40 million has been paid out, €16 million of which could have been used for extra benefits and facilities. It is clear that a rip-off is occurring in this area. The Taoiseach is being advised by the Minister for Arts, Sport and Tourism, who has said the idea that rip-offs are taking place in the tourism sector is a myth.

Mr. Durkan: He thinks it is a fairy tale.

Mr. McGinley: He is the wrong man to ask.

Mr. Durkan: He is mumbling to himself.

Mr. Kenny: I remind the Minister, Deputy O’Donoghue, that we do not live in the land of theory.

Mr. J. Breen: The Minister’s comment was a Kerry joke.

Mr. Kenny: I have outlined the facts which were uncovered during a survey conducted in late August and early September. I would like the Taoiseach to instruct the Competition Authority to carry out an investigation——

Ms O. Mitchell: Hear, hear.

Mr. Kenny: ——so the mini cartels and the rip-off being imposed on a vulnerable section of society can be dealt with once and for all.

Deputies: Hear, hear.

The Taoiseach: The relatively new Act that established the Competition Authority gives the authority significant powers to examine any possible cartel in any sector of the economy. I do not know whether the authority is examining the matter raised by the Deputy. I am aware, however, that every cent the State spends on disability services needs to be categorised by the relevant Department. That is being done, as Members are aware. I will raise the issues mentioned by Deputy Kenny. If such abuse is taking place in a vulnerable sector of society, I agree it should be investigated. Perhaps it is already being looked at. I will outline my concerns in this regard. The Government has invested €2.8 billion in disability-specific services in recent years.

Mr. Stanton: There is no accountability for the spending of that money.

Mr. Quinn: It was wasted.

The Taoiseach: I hope it was not wasted.

Mr. J. O’Keeffe: That is the problem.

Mr. F. McGrath: They will not send in their accounts.

The Taoiseach: The Government has spent an additional €2.1 billion on services for people with intellectual, physical and sensory disabilities, autism and mental illnesses.

Mr. Howlin: Did the Taoiseach see “Prime Time” last night?

The Taoiseach: Over €500 million has been spent on the education of children with special needs. Grant aid of €56 million has been allocated to meet the cost of developing accommodation facilities for people with disabilities. Some €63 million has been invested in services for such people through FÁS programmes.

Mr. F. McGrath: Why are they——

The Taoiseach: It used to be the case that hardly any money was spent on people with disabilities. Now that we have invested our resources in this vulnerable sector of Irish life, we are getting value for money. If some people in the sector are involved in abuses, the matter should be examined. I repeat the point I made earlier — the vast majority of people with disabilities are covered by medical cards. A great deal of the equipment they need is purchased through the Health Service Executive in the regions and also through a host of other excellent organisations like Rehab and the Central Remedial Clinic.

Mr. J. O’Keeffe: Does the Taoiseach not mind that taxpayers’ money is being wasted?

Mr. Howlin: Is the cost irrelevant?

The Taoiseach: Such organisations have the capacity to buy in bulk.

Mr. Stanton: They are not doing it.

Mr. Stagg: They would like value for money too.
The Taoiseach: I assume they are getting value for money because they can purchase——

Mr. Stanton: They are not doing it.

The Taoiseach: ——large amounts of wheelchairs and other instruments to help people with disabilities.

Mr. Stanton: They are not doing that.

Mr. Rabbitte: Has the Taoiseach surveyed the results of a child care survey which are published in today’s Irish Examiner? The approach advocated by the Labour Party in a comprehensive child care policy document it has published is strikingly borne out in the results of the survey. I am aware that a couple of people are permanently employed by Fianna Fáil to publish statements about the Labour Party every day.

Mr. D. Ahern: To which Labour Party does the Deputy refer?

Mr. Rabbitte: I notice that no statement has been produced in this regard.

Mr. D. Ahern: Does he refer to the Democratic Left wing of the Labour Party?

Mr. Rabbitte: No such statement has been published in respect of the Labour Party’s criticism of the Government’s child care policy.

Mr. M. Ahern: To which Labour Party does Deputy Rabbitte refer?

Mr. Rabbitte: Does that mean the Taoiseach and the Government are contemplating the acceptance of the Labour Party’s child care policy? The Taoiseach is aware that just one person in ten believes child care is affordable. Some 84% of those who responded to the survey in the Irish Examiner believe the Government has failed to address the issue of child care. The average cost of keeping a child in crèche care is €724 which, depending on one’s tax circumstances, is equivalent at a minimum to €1,065 per month, or €13,000 per annum. Many people are spending more child care than on their mortgages. This is a fundamental aspect of the debate about the nature of family life and society. Nine out of ten people believe the Government has failed to deal adequately with child care issues. Does the Taoiseach intend to take action of the nature proposed in the Labour Party document? Does he intend to respond to the suggestion that parental leave be increased? Does he intend to make provision for preschool education? Bearing in mind that many couples are working in one and a half jobs, does the Taoiseach intend to underline by legislative measures the right to flexible part-time working? Child care is one of the biggest issues faced by society and many of the electorate. Given the amount of taxes people are paying and the extent of the Government’s budget surplus, the electorate wants to know the nature of the Government’s response.

The Taoiseach: Deputy Rabbitte is right to state that child care is a big issue. It is a big issue because 2 million people are working in our strong economy, which has grown over recent years. The number of women in the workforce has increased from 400,000 a decade ago to 800,000. It is estimated that approximately 220,000 people need child care facilities. The Government increased child benefit payments from €38 to €141 at the last budget. The overall child care budget increased from €500 million to €2 billion. Some €499 million has been invested under the equal opportunities child care programme to provide over 30,000 child care places. I accept child care is still a big issue that needs to be dealt with, however. The Government has examined all the child care reports. Deputy Rabbitte will not mind me saying that the Labour Party’s child care document is very similar to the National Economic and Social Council’s document on the same issue — it is almost word perfect.

Mr. M. Ahern: It is a photocopy.

Mr. D. Ahern: It is plagiarism.

Mr. C. Lenihan: The Labour Party is cogging the exams again.

Mr. Quinn: The NESC copied us.

Mr. Glennon: That would be a waste of money.

The Taoiseach: A number of child care surveys and examinations have been published. The Government has asked an interdepartmental group to examine the matter.

Mr. P. McGrath: The Minister, Deputy Martin, was involved in that too.

The Taoiseach: The group raised many issues and finalised seven basic proposals, all of which are in the public domain. I agree with Deputy Rabbitte that child care is a major and significant issue. I do not believe that every single proposal that has been made by every group can be accepted at once. I have noted that many of the organisations have said we need to build on the successes which have been achieved over recent years. Most people acknowledge achievements such as the considerable increase from €38 to €141. I accept that some people are paying as much, if not more, on child care as on their mortgages. I do not deny that it is a huge drain on such people’s resources. The Government is con-
considering what it can do about this problem, which cannot be totally resolved in one go. The Government trebled child care payments in a single budget by implementing a huge increase of €32.

**Mr. Stanton:** That was child benefit.

**The Taoiseach:** The Government decided to increase child benefit because agreement could not be reached the last time the matter was examined comprehensively by the various groups. The Government was faced with a decision when there was total disagreement among the main organisations. It decided that changes in the child benefit system represented the best way of making progress. Having listened carefully to the organisations in question on this occasion, the Government is trying to make some further improvements. That some 220,000 people have child care needs is a major issue. I acknowledge that the Government has to try to make progress. The Government has succeeded in providing 30,000 child care places in not-for-profit community crèches under the equal opportunities child care programme. It has completed what it set out to do, which was to treble child benefit, so now it needs to try to do something else.

**Mr. Rabbitte:** The Taoiseach has agreed that child care is a big issue. I accept his comment that it is impossible to put in place a perfect child care system overnight, given the absence of a decent system to date. Having listened to the Taoiseach’s response, however, it is unclear what the Government proposes to do. He said, for example, there are 2 million people in the workforce. Is the Taoiseach implying he will forget about the women — they tend to be women in the main — who are forced out of work because of the cost of child care or who make the choice to leave the workplace to look after their children for a period? Does he plan any legislative measures to address the question of flexible working and the right of the spouse, whichever one it is, to go back into the workforce? The Taoiseach does not appear to have thought about that and he appears to be confusing child care with child benefit.

Talking about confusion and NESC, I thought it was at Cavan that we had NESC, not at Clonmel. The Taoiseach can include NESC as part of the hegemony he has established over various quangos. I do not know what he learned in Cavan but from what I can see it was not very much. What is the Taoiseach’s position on improving parental leave and pre-school education and does he plan to give any kind of legislative underpinning to the right of people to take up part-time work or to leave work for a period? On the question of stay-at-home spouses, does he intend to grant equal treatment for them in whatever measures are introduced for people at work?

**The Taoiseach:** I made the point that the reason there is such a demand for child care is because there are 2 million people working.

**Mr. Quinn:** They have to work to pay the mortgage.

**The Taoiseach:** In this case I am talking about people in the workforce. Some 800,000 people are now working. The reason the Government decided to go the child benefit route the last time was that there was no agreement by the representative organisations as to how this could be done both for people who were in the workforce and for those working in the home. For that reason the Government decided the fairest way was to move from child benefit of €38 to the current rate of €141 which was an enormous increase. I will not go into the history of how small increases were in the past but we gave an enormous increase in child benefit from €500 million to €2 billion.

Child benefit is child care. It is money to help people whether they are working in the home or outside of it. I do not think one can discriminate between people working at home and those in the workplaces. It would be putting one against the other and that would be the wrong thing to do. We have already improved parental leave. A number of initiatives are in place in my Department to support the needs of a diverse workforce, including work sharing options, flexi-time, career breaks, paternity leave, term leave, special leave for domestic circumstances, adoptive leave and carer’s leave. All of these are in operation in my Department. I support them all and their extension. I agree with whatever helps a person to pursue his or her career in a proper way.

Under the equal opportunities child care scheme we have gone from a position of zero to a network of community non-profit crèches. These have got both capital and costs of up to €499 million to provide 26,000 child care places — at maximum capacity there will be 38,000 or 39,000 places. All of these things are necessary. Officials across Departments have looked at all the best models, which are considered to be in Finland and Sweden. Finland appears to come out No. 1 in Europe. We have looked at the models to see what we could achieve over a number of years now that we have improved child benefit. I would like if we could move to deal with some of these issues. Seven issues have been identified and the interdepartmental group has suggested that we should pursue one or two of them. We are looking at those to see what we can do to at least get the process started.
Mr. J. Higgins: There has been widespread media coverage as a result of Deputy Catherine Murphy and I, raising with the Taoiseach and the Minister for the Environment, Heritage and Local Government, the recent phenomenon of management companies in new housing estates and the fees demanded by them. Many media commentators have said they were not aware of this new form of rip-off. The words, “scam”, “rip-off” and “stealth tax” were correctly and frequently used in recent days with regard to this issue.

The Minister is seeking information but I want two or three very clear statements from the Taoiseach this morning in regard to the policy aspect of the matter. Does he oppose the sneaky underhand privatisation by local authorities through the management company structure of services such as care of public open spaces, public liability insurance, maintenance of the water pipe network and other services, not inside apartment blocks but in housing estates, and the effective imposition of a new local tax on new young home buyers to finance this? In the Taoiseach’s estate and in mine and probably in the estates of most Members, those services are provided from our general taxation through the local authorities.

Does the Taoiseach oppose the scam whereby house builders, having made obscene profits already, control the management companies for the first four and five years and drag the very people who made profits for them into the courts to force fees out of them to finance basic maintenance which they were obliged to do by law up until now and are still obliged to do? It is dishonest in the extreme to say people have a choice, as some local authority managers have attempted to say in justification. They do not have a choice any more than a starving person in a queue for food has a choice as to the conditions that will be imposed on him or her. Sharp practice is in operation when, for example, an 18-page contract is being shoved under people’s noses when they come to sign for their houses to force them into a management company.

Yesterday, we had the reassuring image of the Minister of State, Deputy Callely, posing like Robert De Niro looming over the mean streets of Dublin assuring us he would help us to plan for Christmas. Admittedly, that was offset by the terrifying image of the Minister for Defence this morning at the controls of an Army helicopter.

Mr. Durkan: A nuclear weapon.

Mr. O’Dea: Hands on.

Mr. C. Lenihan: Deputy Higgins should make sure the guns are not targeted at him.

Mr. J. Higgins: If he directed the guns in the right places it might be okay. Tens of thousands of young home owners——

Mr. Ring: That is your second job. I thought you would resign after what they did to Liam Lawlor.

An Ceann Comhairle: Deputy Higgins should be allowed to conclude.

Mr. Ring: The Deputy did not write about asking for the resignation of the editor of the Sunday——

Mr. O’Dea: You are losing ground.

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

Mr. J. Higgins: Tens of thousands of new young home buyers saddled with large mortgages, child care costs and so on are now facing this new burden. They want the Government to move immediately to remove this monkey off their backs.

Deputies: Hear, hear.

The Taoiseach: Deputy Higgins is aware the Government is dealing with this issue. I accept the points that were raised by him and Deputy Catherine Murphy yesterday. The answer to the Deputy’s three questions is “Yes”. Sorry, he only asked two questions so I cannot answer the third.

Mr. F. McGrath: The comrades are in agreement.

Mr. J. Higgins: Now there will be endless speculation as to what was the third question. Perhaps the Taoiseach should answer it anyway.

Mr. D. Ahern: He cannot remember.

Mr. Connolly: The third man.

Ms Hanafin: Like the third socialist.

Mr. J. Higgins: What the Taoiseach said is very interesting. The follow up must be that legislation would be introduced immediately to allow the voiding of the contracts into which people have been forced already so that the management companies can be dissolved and those services can then be provided by the local authorities. The Taoiseach has a personal listening post in the form of a media watch group paid for by the taxpayer. The day before yesterday, the “Liveline” programme was chock-a-block with revelations from all over the country about the extent of this new scam. Apparently, it could have gone on for another few hours such is the extent of it. I and
Independent Deputies have made, and will continue to make, this a major issue. If it is not resolved quickly, it will be a major election issue in key areas. I will talk to other parties as well. I have constituents who will be in court in the next few weeks. They have been scandalously dragged there by the developers to pay these fees. I am glad the Taoiseach agrees with the point but what can he say concretely about stopping the practice instantly, dissolving the companies which exist and about the provision of those services from the general taxation which applies to most of us already?

The Taoiseach: As Deputy Joe Higgins knows, legislation in any area cannot be applied retrospectively and it would be wrong to give any comfort to people knowing that to be the case. In many areas, management companies which were originally set up to take care of and maintain complexes and to look after environmental issues, such as landscaping, cleaning, painting and so on, have extended their services to include those which in any other estate, whether in a public, private, corporation or council area, would normally be free. They have designed contracts to place total liability on tenants who, particularly some years ago when there was a supply and demand issue, signed these contracts. Tenants now find the costs are excessive and that they are arbitrarily increased annually. This places a huge burden on people. It is a fairly new phenomenon and it did not happen in the past. The Minister has stated he is examining the issue but it cannot be dealt with retrospectively.

Ceisteanna — Questions.

Legislative Programme.

1. Mr. Rabbitte asked the Taoiseach his Department’s legislative priorities for the remainder of the 29th Dáil; and if he will make a statement on the matter. [24368/05]

2. Mr. Sargent asked the Taoiseach his Department’s legislative programme for the current Dáil session; and if he will make a statement on the matter. [25205/05]

3. Mr. J. Higgins asked the Taoiseach his Department’s legislative programme for the current Dáil session; and if he will make a statement on the matter. [25343/05]

4. Caomhghín Ó Caoláin asked the Taoiseach his Department’s legislative programme for the current Dáil session; and if he will make a statement on the matter. [27690/05]

5. Mr. Kenny asked the Taoiseach his Department’s legislative priorities for the remainder of the current Dáil; and if he will make a statement on the matter. [28678/05]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

My Department has two items of legislation for the current Dáil session — the National Economic and Social Development Office Bill 2002 and the Statute Law Revision (Pre-1922) Bill 2004. The National Economic and Social Development Office Bill 2002 is awaiting Report Stage while the Statute Law Revision (Pre-1922) Bill 2004 is awaiting Committee Stage. We hope these Bills will be taken shortly.

Mr. Rabbitte: As the Taoiseach will know, the National Economic and Social Development Office Bill 2002 was initiated in 2002 but it has still not been enacted. I wish to make a suggestion regarding the North-South civic consultative forum provided for in the Good Friday Agreement. Would it be possible to deal with this issue by way of an amendment to the National Economic and Social Development Office Bill? There is no reason the National Economic and Social Development Office should not take on that responsibility as well. It would be a quick way to deal with something to which we all gave allegiance in the Good Friday Agreement.

The Taoiseach: I presume the Deputy is talking about the North-South consultative forum. I will certainly consider that. I do not know how much work has been done but I will check to see if that could be done. I have no objections. As I said before, the fact this Bill has not been passed is not a huge difficulty but it is important in the long term in that it relates to people’s pension rights and other issues. I would like the Bill to be passed, although I accept it is not an urgent matter. Perhaps I will consider that to see if it can be done. If it can be done, I would have no problem with it.

Mr. Sargent: The Taoiseach is responsible for referenda. We had the Order for Second Stage of the 28th Amendment of the Constitution Bill 2005, which was a prerequisite for a referendum. Will the Taoiseach indicate if that legislation will be brought forward in the future or is it in abeyance? Does it depend on factors outside his control or can he indicate if he has a date in mind?

We discussed North-South bodies earlier and the Taoiseach said he would consider the obstacles, as he saw them, in the way of the register for persons considered unsafe to work with children legislation. Has he had an opportunity to do so?
Will it be possible to overcome those obstacles given that in the North, a different view seems to have been taken, namely, that it is possible to continue and not to be held up by the lack of institutions there? Has there been progress on that issue?

**The Taoiseach:** On the second matter, I have asked the Minister and the officials to examine that. I raised it with them last Thursday when I was in the North. We await a response but I have asked the Minister to give it priority.

On the Deputy’s first question on the referendum on the EU constitution, as of now, it will not arise in the short term. A review and an examination is taking place everywhere. I welcome what is happening here where many debates and discussions are taking place at different levels. Many politicians have been involved in some of the debates and discussions I attended, which is good. The more extensive the debate throughout the winter and spring, the better.

The Austrian Presidency next June will report on where to go. However, I do not believe the French or the Dutch will make announcements on this in the short term. The Dutch are very adamant that they will not return to this in the lifetime of their current government. No one has contradicted that. The French face a slightly different debate. They have other debates with which to contend. I do not believe this issue will come up before the French presidential election so I do not see it arising in the lifetime of this Dáil.

**Mr. J. Higgins:** Is the Taoiseach ruling out any possibility of a referendum on the EU constitution even assuming that he maintains this Dáil for another 18 months? Does he agree that even if he did, it is very unlikely it would be passed considering that his former Minister for Finance is hell-bent on legalising cheap labour regimes throughout the European Union in the form of the services——

**An Ceann Comhairle:** That does not arise out of these questions.

**Mr. J. Higgins:** ——legislation he is trying to introduce to formalise the race to the bottom?

**The Taoiseach:** The French election will be in November 2005. The Austrian Presidency might say the French election will be in the North. We await a response but I have asked the Minister to give it priority.

Will the Taoiseach bring forward legislation to provide for any constitutional changes in the remainder of the current Dáil? For instance, in the area of Seanad reform, many reports have been presented recommending specific changes in the arrangements for the election to and operation of the House within the Oireachtas. Will the Government bring forward a package of constitutional changes? Will the Taoiseach consider the introduction of a list system for Seanad elections, thus providing access for the electorate throughout the island of Ireland and the Irish diaspora, both of which have been argued for by a variety of sources through the years? What is his view on those matters?

The Government’s White Paper on Regulatory Reform contains a list of actions relating to the legislative process. I have raised this with the Taoiseach on a number of occasions and, recently, during the Order of Business on a question regarding the heads of a Bill he encouraged me to table a parliamentary question. I did so and, lo and behold, I was contacted and clarification was requested regarding what the question meant. I still have not received a reply to it and I wonder whether the Taoiseach can give me the information now. This has been flagged by him on many occasions. How many times have the draft heads been circulated in advance of a Bill’s publication? I accept it can only be done where it is feasible and appropriate but how many times has that facility, which the Taoiseach heralded, been availed of and provided?

**The Taoiseach:** I would not rule out constitutional change on issues that are, perhaps, non-constitutional and where referenda are necessary. That could happen at any time following a judgment of the High Court or Supreme Court. There is none currently. Issues have arisen from the various reports of the All-Party Committee on the Constitution, which are being examined by various Departments, and they could result in constitutional referenda. A referendum is not planned but a number of issues are under consideration arising directly from the reports.

On Seanad reform, the Minister for the Environment, Heritage and Local Government is chairing a group. I am not sure where it is at but a parliamentary question to the Minister would be appropriate. Seanad reform is being examined on the basis of the comprehensive report the Seanad itself produced. The House appointed a good group which worked through most of the summer two years ago to produce that report and this is being used as the basis for discussion as well as some of the suggestions and proposals we
made about extending membership and making Northern representation permanent. That matter is being examined again. I have no other view outside those views.

With regard to the publication of the heads of a Bill and the regulatory impact analysis, it was suggested it would be a good idea to circulate the heads of a Bill in more areas, though perhaps not all, to generate discussion and to allow interest groups, whether they comprise social partners or others, to make a submission. It is not something new. This has been done over the years in many Departments. It is a good practice but some Departments do not share that view. It is a way of speeding up the process. However, legislation is always better when one consults. Perhaps that is my view because I spent much of my ministerial career in the Department of Labour. I did not invent it but the basis of doing business in that Department was to discuss the heads of a Bill with employers and trade unions which gave them an input and improved the legislation. Perhaps that cannot be done in every area but a number of Ministers are doing it. I welcome that because it is a good way to give people an input. It is not possible when a Bill is put through the House quickly but many Bills take two or three years at least before they get through the system. The publication of the heads of Bills is part of policy and the regulatory impact analysis. It was not previously but the process has become formalised and there is more compulsion on people to do it.

Mr. Kenny: The Forum on Europe played an important role in the run up the last number of referenda. Given that it is unlikely a referendum on the so-called EU constitution will be held during the remainder of the lifetime of this Administration, what is the future of the forum? Does the Taoiseach expect it to meet on a number of occasions over the next 12 months or whatever? I agree with him that it is unlikely the French or the Dutch will go back to the constitution. Does he envisage a scenario where the non-contentious elements of the document will de facto be implemented, given that a number of them could be under way? Could the EU Heads of Government say, “The following are non-contentious and let us implement them and get on with it”?

In reply to Deputy Ó Caoláin, the Taoiseach stated he does not have any views outside the report prepared by the Seanad itself regarding its reform. However, it is important that the diaspora should be represented in the Oireachtas. A number of detailed discussions on motions and Private Members’ Bills took place on this issue in the 1980s but it did not prove practical to implement a measure in this regard. Jim Higgins, MEP, offered to hand over his Seanad seat to an agreed appointee of the diaspora movement from Britain or wherever. That offer is still on the table and in view of the——

An Ceann Comhairle: That issue does not arise in this set of questions.

Mr. Kenny: I refer to Seanad reform.

An Ceann Comhairle: It is still not the subject of the questions.

Mr. Kenny: Does the Taoiseach support this offer? If the vacancy occurred and the diaspora was agreeable to nominating a person, would the Taoiseach accept this without contesting a Seanad by-election?

The Taoiseach: There is every reason for the Forum on Europe to continue its work. I welcome the communicating Europe initiative by the European Commission under which more commissioners and other senior officials will make themselves available to governments. The Forum on Europe is the best way to support dialogue and discussion of the issues and the forum's reports tease them out. The forum was established because that was not happening. Admittedly, it was a Labour Party proposal, which I took up, but it was a good one. We should continue to develop the forum and I would love it to see it receive more media attention because there have been some excellent debates, which have almost gone unnoticed. That is a pity because there has been high quality debate about national questions and issues such as how the role of the Defence Forces will evolve and change and battlegroups. These issues have been well debated at the forum and consensus must be built on them. Next year, three or four commissioners, as well as the President of Commission, will attend the forum. The President will attend again because he thought it was a useful exercise. Since he visited during the summer, he has advocated that his commissioners and representatives of other member states should attend the forum. That meeting received a great deal of coverage but we could generate coverage of many of the other meetings. Deputy Joe Higgins will be delighted to know that Commissioner McCreevy will attend the forum to see him.

Mr. J. Higgins: I would be delighted to challenge him on his justification for the cheap labour regime.

The Taoiseach: That will be another good day in the forum. The sad thing about the constitutional document is that the chairman of the convention insisted on it remaining as it was. A number of us warned that publishing and explaining an enormous document with annexes was fraught with danger, in view of the relatively
simple case of explaining the Nice referendum. The French insisted on the framework as the way to do it. One could take all the institutional sections which would maintain the balance of how the constitution was negotiated. One could not take some sections of the document and have these approved but one could leave out the annexes and make progress. This must be examined.

With the addition of Croatia, Romania and Bulgaria, some 28 countries could be EU member states. Other discussions are taking place, including discussions with a lobby group for the accession of the Ukraine, which is inevitable over the next few years. In addition, at least three or four countries in the Balkans will come on to the map over the next three or four years. On the current institutions and qualified majority voting we cannot continue without reform so it is advisable to examine this matter. This will form part of the debate next summer.

Regarding the Seanad, the difficulties in the 1980s still exist and it is a matter for the Seanad to discuss. I am not ruling out consideration of what the MEP from Deputy Kenny’s party proposed. How would one define an electorate? I assume the Deputy is referring to the proposal where the Federation of Irish Societies would nominate someone. This could be pursued in discussion. I was involved in these discussions as Whip in the 1980s and it proved impossible to establish a basis of an electorate in the United States and the United Kingdom, without considering the wider Irish diaspora.

Mr. Kenny: I refer to an appointee from an agreed grouping.

The Taoiseach: From the Federation of Irish Societies.

Mr. Kenny: Yes, I understand it could not be an elected candidate.

Mr. Rabbitte: The Taoiseach stated he could not recall where the Seanad reform issue stands. Is the Government serious about Seanad reform or is the purpose of this entire exercise the inclusion of representatives from Northern Ireland on a cross-community basis? Does the Taoiseach intend these to be included in the 11 nominees of the Taoiseach or would it be otherwise? Does the Taoiseach accept the Government should have a view on Seanad reform? Some of us in this House hold the view that Seanad reform is badly needed. Is the present exercise making progress?

The Taoiseach: I apologise if I was misunderstood. I stated I had no view other than the report. I attended the committee meeting, spending several hours there.

Mr. Rabbitte: So did I.

The Taoiseach: I gave my views and these are reflected in the report. I support the report and believe reform is necessary in the Upper House, as do my esteemed colleagues in the Upper House. We could get far more out of the Upper House through some of the reform measures in the report, which I support.

Mr. Stagg: Arising from correspondence on parliamentary questions, it has been established RTE does not have a remit to broadcast in Britain. As the broadcasting Bill is a Government priority, I assume it can be raised in this series of questions. It is difficult to raise this matter on the Order of Business, as the Ceann Comhairle is aware.

An Ceann Comhairle: It is even more difficult to raise it on Taoiseach’s questions as they should relate specifically to the Department of the Taoiseach.

Mr. Stagg: I am wrong again.

Mr. Rabbitte: The Taoiseach might take an initiative, legislatively speaking.

Mr. Durkan: The Taoiseach might rise to the occasion.

Mr. Stagg: Some days ago, I asked the Taoiseach on the Order of Business to extract the required section of legislation from the maw of the broadcasting Bill, which will take between a year and 18 months to pass through the Houses. I thought the Taoiseach was favourably disposed to this.

An Ceann Comhairle: I suggest the Deputy submit a question to the appropriate Minister.

Mr. Stagg: I know the answer from the Minister but I need the Taoiseach to do something about the Minister. If this section could be removed, I have no doubt the Opposition would agree to an amendment or correction being passed by the House in a day. This would enable the Taoiseach to make progress on an issue for which he has indicated strong support, namely, broadcasting RTE programmes to England.

The Taoiseach: Deputy Stagg does not ask me too many questions. At his behest, I raised this matter last year with the RTE authority and discussed the matter with it when I opened the new offices in Millbank, in the United Kingdom. The members of the authority raised two issues, the cost and the legislative element. I understand the legislative matters can be resolved in the broadcasting Bill. This leaves the cost issue and I understand the Minister and his officials would
[The Taoiseach.]

rather deal with this in the context of the entire broadcasting Bill.

I am aware of Deputy Stagg’s interest in this matter and would share it from a different perspective. From a sporting point of view I think broadcasting to Britain would be a good thing. Deputy Stagg’s proposal is good — perhaps he is looking at it from the perspective of cultural and other issues. A large audience of Irish people in the United Kingdom would be interested in Irish radio and particularly in sport during the summertime. It would be valued if people could get far better reception and if it can be done I will support this measure. I will speak to the Minister again on this issue if it does not cost an arm and a leg. Many people are listening to games and other cultural events, with which I am not familiar, on the Internet but this is not the easiest way of doing this.

Caoimhghín Ó Caoláin: Regarding legislation to facilitate Seanad reform, has the Taoiseach considered Seanad elections directly from a list system? That is the critical question.

An Ceann Comhairle: The question has already been answered.

Caoimhghín Ó Caoláin: No, it has not.

An Ceann Comhairle: We cannot address what might be in legislation.

Caoimhghín Ó Caoláin: It is not anticipated but I am asking if the Taoiseach has given due consideration to this matter.

The Taoiseach: The report already published is the basis of the discussion.

Committee on Social Inclusion and Drugs.

6. Mr. Rabbitte asked the Taoiseach when the Cabinet committee on social inclusion and drugs last met; and when the next meeting is scheduled. [24375/05]

7. Caoimhghín Ó Caoláin asked the Taoiseach the membership of the Cabinet committee on children; and when it last met. [26486/05]

8. Caoimhghín Ó Caoláin asked the Taoiseach when the Cabinet committee on social inclusion and drugs last met. [27308/05]

9. Caoimhghín Ó Caoláin asked the Taoiseach the membership of the Cabinet committee on social inclusion and drugs; when it last met; and when its next meeting is scheduled. [27691/05]

10. Mr. Sargent asked the Taoiseach when the Cabinet committee on social inclusion and drugs last met. [30209/05]

11. Mr. J. Higgins asked the Taoiseach when the Cabinet sub-committee on drugs and social inclusion last met. [32458/05]

The Taoiseach: I propose to take Questions Nos. 6 to 11, inclusive, together.

The Cabinet committee on social inclusion and the Cabinet committee on children last met on 5 October 2005. The next meeting of both committees is scheduled for tomorrow.

I chair both the Cabinet committee on social inclusion and the Cabinet committee on children. Their membership includes the Tánaiste and Minister for Health and Children and the Ministers for Education and Science; Enterprise, Trade and Employment; Community, Rural and Gaeltacht Affairs; Finance; the Environment, Heritage and Local Government; Justice, Equality and Law Reform; Social and Family Affairs; and the Ministers of State with special responsibility for children; housing and urban renewal; drugs strategy and community affairs; and equality issues, including disability issues.

In addition, the Minister for Arts, Sports and Tourism is a member of the Cabinet committee on children and the Minister of State with responsibility for labour affairs, including training, is a member of the Cabinet committee on social inclusion.

Mr. Rabbitte: It strikes me there are more people on the sub-committee than in the Cabinet. In view of recent experiences in this area, is there an argument for reorganisation of Departments so a single Department focusses on needs of children in all respects as responsibilities for these needs is currently scattered across several Departments? The experience of successive Ministers of State is that they have been fighting an uphill struggle to focus on the needs of children.

The Taoiseach: The National Children’s Office co-ordinates aspects of various Departments and that is probably as good as one can make it. I am not saying that cannot be improved upon because everything can always be improved through more input. Neither I nor the Minister think the idea of a separate Department for children is worthwhile because one cannot take children out of the education or health sectors. Therefore, if there was a separate Department for children, one would still be dealing with health and education aspects through the relevant Departments. I certainly agree with making the role more powerful but the current Minister has such a role, as did the previous one. It is important to build the National Children’s Office which can co-ordinate work across Departments. To do otherwise, through
the establishment of a Department of children, would not be meaningful.

Caoimhghín Ó Caoláin: Will the Taoiseach tell us the terms of reference, if any, for the Cabinet committee on children? Does the committee deal with the issue of child care? Has the Taoiseach put before that committee the report of the National Economic and Social Forum on child care and early childhood education? Will the Taoiseach ask the Cabinet committee on children to consider the need for child care and early childhood education to be the special preserve of a single ministry in the future? Will the committee consider such a proposal rather than the current situation whereby issues relating to children are scattered across a raft of different Departments?

When Members ask questions relating to the Cabinet committee on social inclusion and drugs they are often referred to the line Minister. Will the Taoiseach clarify whether the Minister for Justice, Equality and Law Reform is a member of the committee on social inclusion and drugs? If the Minister is a member of that committee he should accord Members of this House the courtesy of a response when questions are put to him on the specific area of drug abuse, rather than resorting to the diatribe of abuse he directs at my Sinn Féin colleagues.

Mr. Sargent: In addition to examining whether lessons can be learned or future mistakes avoided, will the Cabinet committee on social inclusion and drugs take stock, given the result of the French referendum on the EU constitution, of the problems in France where rioting has occurred for the past 13 nights? Some 1,200 people are in custody in France, many of them on the basis of social exclusion as they would see it. Perhaps the committee needs to meet more often, given that its social inclusion remit does not appear to be fulfilled, particularly as one quarter of Irish children remain at risk of poverty according to CORI and the ESRI.

Mr. Sargent: I have a simple question as follows. Given that the ESRI has clearly indicated that people with disabilities are more likely to live in poverty, does the committee on social inclusion pay attention to monitoring the lives of such people?

An Ceann Comhairle: What is discussed at the committee is not a matter for the Taoiseach to respond to during question time. That has been the ruling of my predecessors and myself for years.

Mr. Sargent: Could the committee meet more frequently, given that it has a larger work volume than it appears to be able to get through?

An Ceann Comhairle: Can the committee meet more frequently, Taoiseach?

The Taoiseach: The committee meets monthly and the various Departments deal with its agenda. Much of the cross-departmental work deals with the Disability Act 2004, sectoral plans, the Comhairle Bill, the multi-annual investment plans and the Disability Services Bill. The latter measures have all been designed to put more resources into the disability sector.

Mr. Kenny: It has been accepted for a long time that cocaine addiction is best treated by counselling services. Is the Cabinet committee on social inclusion and drugs satisfied that the growing cocaine problem is being dealt with by——
13. **Mr. Sargent** asked the Taoiseach the number of officials from his Department who have applied to relocate under the Government’s decentralisation programme; and if he will make a statement on the matter. [28679/05]

14. **Mr. J. Higgins** asked the Taoiseach if he will report on the implementation of the decentralisation programme as it affects his Department. [25345/05]

15. **Caoimhghín Ó Caoláin** asked the Taoiseach the number of employees of his Department who have applied to relocate under the decentralisation programme; and if he will make a statement on the matter. [27692/05]

16. **Mr. Kenny** asked the Taoiseach the number of officials at his Department who have applied for relocation under the Government’s decentralisation programme; and if he will make a statement on the matter. [28679/05]

**The Taoiseach:** I propose to take Questions Nos. 12 to 16, inclusive, together.

There are no proposals to decentralise any section of my Department or any of the bodies or agencies operating under its aegis.

**Mr. Sargent:** It is ridiculous to take these questions if there will not be time for any supplementary questions. We are dealing with a major impact on the whole country.

**Caoimhghín Ó Caoláin:** It is the issue of decentralisation.

**The Taoiseach:** We still have enough time.

**An Ceann Comhairle:** We are only dealing with the Department of the Taoiseach. We will hear the Taoiseach’s reply.

**Mr. Sargent:** We will not have time, even for the Taoiseach’s Department.

**The Taoiseach:** Since I am not going anywhere, it is very easy, is it not?

**Mr. Sargent:** He said it.

**An Ceann Comhairle:** The Deputy is taking up time now.

**The Taoiseach:** A significant part of the Central Statistics Office is already located in Cork. Some 48 staff from my Department have applied through the central applications facility to relocate under the decentralisation programme. The breakdown by grade is: assistant principal, seven; higher executive officer, five; administrative officer, ten; executive officer, 12; staff officer, three; and clerical officer, 11.

Arrangements are in place to ensure the decentralisation of these staff does not impact negatively on the quality of the services provided by the Department. These arrangements include the phased redeployment of some of the remaining staff to the areas of the Department most affected by decentralisation and the provision of training and job profiles/work manuals to new staff, as appropriate.

The fact that nearly 20% of the staff of the Department have opted to relocate outside...
Dublin shows the underlying decision to initiate a comprehensive decentralisation programme was correct.

Mr. Rabbitte: Based on the experience of the Taoiseach’s Department, will the cost of retraining people to replace those who have been decentralised be a significant factor throughout the Civil Service?

Is anyone within the Government examining the price being paid for land——

An Ceann Comhairle: That is a matter for the Minister for Finance and does not arise out of this question.

Mr. Rabbitte: I am not sure about that. It applies across all Departments, including the Department of the Taoiseach. The cost seems to be prohibitive. Some of the replies to parliamentary questions we have tabled suggest that as much as €430,000 an acre is being paid for land in urban centres. Is there a concern within Government about this?

An Ceann Comhairle: That does not arise out of this question.

Mr. Rabbitte: The Taoiseach is the Head of the Government. His Department——

An Ceann Comhairle: I accept that but the questions are quite specific. Standing Order 33 is quite specific. The Taoiseach is responsible in his question time for his Department and not all other Departments.

Mr. Rabbitte: His Department is minimally involved and therefore I am entitled to ask whether anybody is looking at the prohibitive prices being paid for land to accommodate the decentralisation programme.

The Taoiseach: The Office of Public Works is engaged in all the departmental moves, and controls the entire programme of costs, whether for land or buildings. Whenever the State is involved in such transactions people try to increase the costs but the Office of Public Works, under the Department of Finance, is in control.

Mr. Sargent: The Taoiseach told us in February that 45 members of his staff had applied through the central applications facility to relocate, that is 20% of his Department. Is there any increase in that figure? There are 10,000 posts to be decentralised but only 1,800 staff have agreed to move outside the greater Dublin area.

Is a cost factor being put in place for interaction between, for example, the Taoiseach’s Department and others around the country? The staff at Teagasc in Carlow, for example, are to receive €15,000 each for commuting.

An Ceann Comhairle: The Deputy should submit a question to the Minister for Agriculture and Food about Teagasc.

Mr. Sargent: If one multiplies that it indicates the scale of costs involved.

The Taoiseach: In my Department, 20% of staff, a total of 48 out of 220 people, have applied to move. That is in line with a very high figure elsewhere. While 2004 was the closing date for applications to the central applications facility, anyone who wants to get onto that list can do so because that was the closing date for priority applications. Several members of the staff have expressed an interest since 2004 and that trend will continue. The numbers across the Departments are increasing all the time.

Caoimhghín Ó Caoláin: In one of his first reports the new chairman of the decentralisation implementation group, Mr. Finbar Flood, indicated there were continuing difficulties — he used the words, “little progress” — in the union management talks on facilitating the programme. How does this stand and how does it impact on the Taoiseach’s Department? More people seek to remain in Dublin than there are jobs designated to remain here.

An Ceann Comhairle: That is a question for the Minister for Finance.

Caoimhghín Ó Caoláin: I am asking about the Taoiseach’s Department because Mr. Flood indicated in his report that 6,000 new jobs would have to be found for public and civil servants in Dublin. Is that reflected in the Taoiseach’s Department? What can the Taoiseach tell us about his Department’s position?

The Taoiseach: The problem in my Department is that I am not moving but 20% of my staff want to move so it is a different situation.

Caoimhghín Ó Caoláin: They want to get out.

The Taoiseach: They want to go to the country. They want to go to Monaghan.

Mr. Kenny: Does the Taoiseach want to go to the country?

The Taoiseach: I like visiting the country every time I get a chance to do so.

Mr. Durkan: Does the Taoiseach want to go to Monaghan?
The Taoiseach: I was in Monaghan two weeks ago. I cannot go back again for a while.

Caoimhghín Ó Caoláin: The Taoiseach was lucky he did not get sick there.

The Taoiseach: There is an excellent hospital there.

Caoimhghín Ó Caoláin: How would the Taoiseach know that? He has not visited the hospital.

The Taoiseach: There are hardworking people there. As far as we are concerned people will move. In my Department, and every other Department, there are negotiations with trade unions to organise this programme. This has happened previously and is in process again.

An Ceann Comhairle: I call Deputy Kenny.

Mr. Kenny: The time is too short.

Requests to move Adjournment of Dáil under Standing Order 31.

Mr. Healy: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to recognise the contribution made by carers to Irish society, working 3 million hours each week and saving the State over €1.5 million a year, by significantly increasing the carer’s allowance to €190 per week, allowing dual eligibility for carer’s allowance and social welfare payments, and granting a full medical card to all full-time carers.

Mr. F. McGrath: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent need to assist the 150,000 family carers and the need to support the Carers Association’s nine point plan for a national strategy, needs assessment, medical cards for full-time carers, remuneration for full-time carers, income tax, training, work life balance, information and a national forum to give a voice to carers.

Mr. Neville: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the taking of mandatory drug testing for all perpetrators of serious and fatal road accidents and to debate the failure of the Government to act on the main recommendation of the Tánaiste’s commissioned public safety report in 2002, namely, the establishment of an office of public safety regulation to take overall responsibility for public safety, in view of the serious failure of any public authority to take responsibility for public safety, including road accidents due to road conditions for which no one is apparently responsible.

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

Order of Business.

The Taoiseach: It is proposed to take No. 16, statements on the Ferns Report. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 16 shall, if not previously concluded, be brought to conclusion at 7 p.m. The following arrangements shall apply: the statements of a Minister or Minister of State and of the main spokespersons for the Progressive Democrats Party, Fine Gael Party, Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; and the statements of each other Member, who shall be called upon in the following sequence, shall not exceed ten minutes in each case — Government, Fine Gael, Government, Labour, Government, Technical Group, sequence to recommence. Members may share time. A Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. Private Members’ business shall be No. 43, motion re road safety (resumed) to conclude at 8.30 p.m.

An Ceann Comhairle: There is one proposal to put to the House, namely the proposal for dealing with No. 16, statements on the Ferns Report. Is that agreed? Agreed.

Mr. Kenny: Some time ago the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, with special responsibility for drugs strategy, Deputy Noel Ahern, said cannabis should be legalised for terminally ill patients. When is it intended to introduce legislation giving effect to the statement by the Minister of State?

Every weekend, all over the country, there are instances of binge drinking in towns and elsewhere. Under the relevant section of the Act, beer bottles and cans are to be labelled at the point of purchase. This section of the Act has not been implemented. No criticism of those who sell the products is implied, but it might be helpful to the Garda in terms of acts of vandalism and so
on to determine where beer was purchased. When might the Minister for Justice, Equality and Law Reform give effect to that section of the Act?

We are now half-way through this Dáil term and there are quite a few Bills on the priority list as yet unpublished. For instance, when will we have the institutes of technology Bill and the University College Galway (Amendment) Bill? Is it the Taoiseach’s view that we will see these Bills published on the priority list, as was committed to, before we reach the end of this Dáil term?

**The Taoiseach:** Regarding cannabis, no legislation is promised.

**Mr. Kenny:** The Minister said it should be legalised.

**The Taoiseach:** I know there has been major success regarding cannabis in certain health areas but I do not know what work has been undertaken. I do not think there is any proposal for legislation.

Regarding the labelling of beer cans and bottles, the relevant section of the Act has not been implemented because it is not seen as very workable or practicable. It is not seen as being of any great assistance.

The institutes of technology Bill is due to be published during this session, as is the University of Galway (Amendment) Bill.

**Mr. Rabbitte:** I read with some amazement this morning the conviction of the Minister for Enterprise, Trade and Employment that for 18 years, the groceries order has acted against the interests of consumers. Whatever hope I had for consumers, when I heard the Minister predict that the abolition of the groceries order would save the consumer €1,000 on average annually, my heart fell to my shoes for consumers, given the Minister’s track record. The Minister has taken no action yet, though we have had another photo-shoot. When will the promised legislation come before the House?

Does the Taoiseach intend to take any measures to ensure we will not have a rash of Ministers between now and the general election using public money to promote themselves with so-called public advertisements?

**An Ceann Comhairle:** That matter does not arise. It has been discussed.

**Mr. Rabbitte:** I am sorry, I know the Ceann Comhairle has been in the Chair a long time, but I am not at all finished yet. Are any measures promised by the Taoiseach in that area?

Given the Taoiseach’s interest in the matter, I am surprised at the delay in setting up the authority to facilitate the transfer of DIT to the Grangegorman campus. What is the delay in naming the authority and letting it get on with the work?

**The Taoiseach:** The legislation regarding the DIT is passed and it is just a matter of naming the authority members. I understand consultation has taken place and that efforts are being made to find a suitable chairman. I am anxious that the matter proceed.

**Mr. Rabbitte:** So the authority will be announced soon.

**The Taoiseach:** Shortly.

The second issue raised by Deputy Rabbitte clearly does not arise on the Order of Business but the proper procedures must be followed. Regarding the groceries order, it is hoped we can have that legislation very soon. It is a very short Bill. We appreciate the co-operation of the House.

**Mr. Sargent:** There are a number of pieces of legislation due in the pharmacy area. There is a vacancy for a chief State pharmacist, which in the context of any developments of the avian flu problem would badly need to be filled. Must we wait for the pharmacies Bill or will there be an independent appointment procedure perhaps more above reproach than the one which took place for the chief scientific adviser? The pharmacies Bill has been promised every year since 2003. Will it continue as a moveable feast or does the Taoiseach expect it to be published by any particular date?

**The Taoiseach:** The publication date is 2006.

**Mr. Kehoe:** Members will know we are approaching the first anniversary of the Asian tsunami. The Thai Government is inviting to Thailand one member of an Irish family affected by the tsunami and will pay that person’s fare. I am almost certain the Irish Government is giving nothing to the Irish families affected to help them make the trip to Thailand for the first anniversary. It would be a very good gesture for the Taoiseach and the Government to make some contribution. If the Government were to pay the fare of one family member affected, that would be a very small gesture and would not cost very much.

**The Taoiseach:** I will let the Deputy know.

**Mr. Costello:** Is the Taoiseach aware of the Sligo librarian who had his jaw and skull fractured and spent a considerable period of time in a coma? The person convicted of the assault
received a sentence of three years, with two years and nine months suspended——

The Taoiseach: I will have to raise that matter with the Minister and revert to the Deputy.

Mr. Timmins: The Minister for Defence stated here last week that he received advice from the Attorney General that a constitutional referendum would not be necessary in order to allow Defence Forces personnel to serve with the newly formed battle groups. In view of that statement, when can we expect to see a defence amendment Act to permit Irish troops to deploy abroad?

The Taoiseach: The middle of next year.

Ms Lynch: After watching on “Prime Time” last night a subject in which I am sure the Taoiseach is interested, it seems the amount of money being paid by the State to various organisations without regulation——

The Taoiseach: The issue she raised has already been discussed on leaders’ questions.

Ms Lynch: When will we see a charities Bill?

The Taoiseach: That is a priority Bill and we hope to introduce it next year.

Mr. Durkan: When I asked the Taoiseach last week whether he planned to restore the postal services Bill to the Order Paper, he said it had been withdrawn, which I already knew. I ask again whether he will consider restoring that important legislation to the Order Paper.

Perhaps advertising standards legislation, which I understand is promised, or health and safety legislation——

Mr. Kenny: Or terrorism legislation.

Mr. Durkan: ——will be used to regularise the situation where Ministers have been to the frontline in advertising their wares——

Ms Shortall: I want to raise the issue of road safety in respect of heavy goods vehicles, and the lack of adequate regulation in the area. Two EU directives were issued, one on the working time of drivers of HGVs and the other on the requirement to fit speed limitation devices. Those two directives, Nos. 15 and 85, were issued in 2002. What is the delay in transposing those directives into Irish law? Given the high rate of fatalities and serious injuries on our roads, will the Taoiseach take steps to transpose the directives without further delay?

The Taoiseach: It has been withdrawn and there is no other legislation.

Mr. Durkan: There should be some sort of legislation, such as with regard to criminal pro-
ceeds. The matter should come under health and safety legislation.

An Ceann Comhairle: The Deputy has made his point.

Mr. Durkan: Otherwise we will have a situation where the Minister of State, Deputy Callely, will wake up——

An Ceann Comhairle: I call on Deputy Cowley.

Dr. Cowley: I want to ask the Taoiseach on alcohol legislation and the traceability of drinks bought from off-licences. The Taoiseach said this is not practical for industry. Legislation exists in that regard and there is nothing worse than not enforcing laws that could work. When the drinks industry attended the Joint Committee on Health and Children, it gave no adequate reason for its belief in the impracticability of such a measure.

An Ceann Comhairle: What is the Deputy’s question in terms of legislation?

Dr. Cowley: In view of bar codes and other measures, no reason exists, other than that the drinks industry does not want this legislation.

An Ceann Comhairle: The Deputy made his point. I suggest he raises the matter by way of a question to the appropriate Minister.

Dr. Cowley: I am sure this legislation can be enforced by means of bar codes.

An Ceann Comhairle: The Deputy made his point.

Dr. Cowley: People who sell alcohol to young people can then be disgraced.


An Ceann Comhairle: Before calling on the Minister of State at the Department of Health and Children, I remind the House that, while the names of many individuals are in the public domain, in keeping with the longstanding rules of the House, Members should show restraint and not make allegations of wrongdoing that are unproven against a person outside the House as he or she is defenceless against accusations made under privilege.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I want to pay tribute to those who came forward to speak to the inquiry outlining the appalling abuse they suffered. These courageous people who spoke about their experiences of abuse have offered the inquiry and the country as a whole a disturbing but crucial insight into the nature and extent of the problem and the lasting trauma it can cause. We need to remember that the events which occurred in Ferns have affected the families of victims and those against whom allegations were made and I hope in this debate that the feelings of these are taken into account. I also pay tribute to Mr. Justice Murphy and his team on the tremendous work they carried out.

The Government and country are appalled, shocked and dismayed at the extent of the allegations of abuse outlined in the Ferns Report. Our duty as a Government and a nation is to ensure that proper child protection practices are in place and operate to the highest achievable standards. This Government has accepted all of the recommendations in the Ferns Report. In view of this, I have taken a number of steps to ensure the recommendations are implemented by all the bodies concerned and by the wider community. I have requested confirmation from the Irish Bishops’ Conference that the recommendations of the Ferns Report will be implemented collectively and individually by its members. I have also requested confirmation that the framework guidelines are in place in all dioceses.

The Minister for Justice, Equality and Law Reform is finalising proposals for the establishment of a commission to investigate the handling of complaints and allegations of child sexual abuse against clergy operating under the aegis of the Catholic archdiocese of Dublin. It is proposed that the commission may investigate the situation in any Catholic diocese in the State following a notification from my office that the diocese may not be implementing church guidelines on child sexual abuse by a priest or religious or a notification that a diocese may not be implementing satisfactorily the recommendations of the Ferns Report.

The Health Service Executive has been requested by me to make contact with the individual bishops in the Catholic Church as a matter of urgency to monitor child protection practices and ensure compliance with the recommendations of the Ferns Report.

Mr. Costello: Does the Minister of State have a script and, if so, will he circulate it?

Mr. B. Lenihan: It is being prepared for circulation.

It is my intention to request the commission to verify compliance with the recommendations of the report after the necessary approaches and discussions have taken place between the HSE and the bishops at local level. I have also requested the HSE to launch a nationwide publicity and awareness campaign on child sexual abuse. The National Children’s Office will assist the HSE in ensuring the campaign effectively targets and is relevant to children and young people.
I welcome the statement by the church authorities that they intend to introduce the inter-agency review group, as well as the current Ferns model in all areas of the country. I have requested the HSE to convene meetings of this group and to record and maintain its records in line with the inquiries’ recommendations. The HSE is to report as soon as possible after initial meetings with the bishops have been held and liaison arrangements have been put in place. The Archbishop of Armagh has written to me with an undertaking to co-operate in every possible way with the recommendations of the Ferns Report.

The Government has accepted, in principle, the recommendations of the report, including a crucial recommendation on the powers of the HSE with regard to third party child sex abuse. I am supportive of the proposals contained in the report and have requested my officials to liaise with the Attorney General with a view to preparing an indepth legal study and concrete proposals on foot of the recommendations.

I have already announced a national review of compliance with the Children First guidelines by State bodies and non-governmental organisations which will be driven by the National Children’s Office in partnership with all relevant Departments. The Children First guidelines were published in 1999 and, in light of recent events, it is essential the Government can stand over its own procedures for the protection of children.

A number of recommendations contained in the Ferns Report fall within the specific responsibilities of the Minister for Justice, Equality and Law Reform. The report recommends that the legislature should consider the introduction of a new criminal offence with regard to engaging in conduct that creates a substantive risk of bodily injury or sexual abuse to a child or failing to take reasonable steps to alleviate such a risk. The Minister will bring forward appropriate amendments to the Criminal Justice Bill to deal with this recommendation. The report recommends that legal aid, irrespective of means, be available to both complainants and priests against whom allegations are made where the cases are not determined by the criminal courts. The Minister is examining legal aid provisions with a view to giving effect to this recommendation.

The report recommends that certain documents relating to child sexual abuse should be given legal privilege. This recommendation will be examined by the Department of Justice, Equality and Law Reform in consultation with the Attorney General’s Office.

The report contains a number of recommendations with regard to Garda procedures. The Minister for Justice, Equality and Law Reform has forwarded a copy of the report to the Garda Commissioner, who will be considering it and taking on board its recommendations.

Responsibility for services for the care and protection of children rests with the Health Service Executive. The services available to children who are victims of sexual assault, and their parents, include professional services such as medical and nursing, social work, child and adolescent psychiatry, clinical psychology and family support services. With regard to adults who, as children, suffered abuse, the national counselling service is now well established throughout the country and is in a position to make every assistance available.

In 1998 a working group to review the child abuse guidelines was established to prepare revised guidelines aimed at improving the identification, investigation and management of child abuse. The membership of this group was wide ranging and included representatives of Departments, the Garda Síochána, the HSE, universities, trade unions, hospitals and non-governmental bodies. The revised guidelines, Children First - National Guidelines for the Protection and Welfare of Children, were published in 1999. Approximately €9.5 million has been provided for the implementation of these guidelines. The HSE has used this additional funding to create the infrastructure necessary to support full implementation of the guidelines. This has included the appointment of implementation officers, training officers, information and advice officers as well as additional social work and administrative staff.

The first Ombudsman for Children, Ms Emily Logan, was appointed by the President in December 2003. She was appointed following an innovative recruitment process involving children and young people in all aspects of the process, from job description to selection. The main functions of the Ombudsman’s office are to deal with complaints by and on behalf of children and to promote the rights and welfare of young people. The Ombudsman for Children also has a function, set down in legislation, to advise any Minister on the development and co-ordination of policy relating to children.

A draft White Paper on mandatory reporting of child abuse was prepared in 2000 and was circulated to Departments. There have been significant developments since the preparation of the White Paper, for example, investment in the implementation of the Children First guidelines and child protection services generally by the HSE, appointment of advice officers in the HSE, the introduction of the Children First child protection guidelines in education, sporting and other sectors and so forth. It can be argued the Children First guidelines have, to some extent, addressed the problems which gave rise to the calls for mandatory reporting and that the Protections for Persons Reporting Child Abuse Act 1998 has allayed fears of people of being sued.

In view of the comments and observations made and the consultations with the Attorney General’s Office, it was clear there were very
complex legal issues on the subject of mandatory reporting which required further consideration. The commitment by the Minister for Justice, Equality and Law Reform to introduce a new criminal offence where any person “wantonly or recklessly engages in conduct that creates a substantial risk of bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act” is a very positive development. It should help to achieve an increased awareness of the personal responsibility that all people, not only professionals, have to protect children at risk.

The Ferns Report has reopened the debate on mandatory reporting. I would like to see a culture of mandatory reporting being established, but not on a legislative basis. I believe that people are now more readily prepared to report concerns around child abuse to the relevant authorities and to pursue those authorities to ensure the complaint is dealt with effectively and efficiently. I do not see the advantage of criminalising a person for keeping his or her word to an individual who does not want the complaint to be taken any further. Enough damage has already been done to such individuals without them being concerned that the person they have entrusted with this information could be the subject of criminal proceedings.

To enable the expansion of vetting services, additional human resources have been secured for the Garda central vetting unit. Specifically, sanction was obtained last year for an additional 17 staff which will increase total staffing to 30. As part of the Government’s decentralisation programme, the Garda central vetting unit has recently been decentralised to Thurles, County Tipperary, from where it will expand its operations from current levels on a phased basis.

The implementation group on Garda vetting continues to progress implementation of the recommendations of the report of the working group on Garda vetting. The provision of additional staff resources will enable the Garda Síochána’s vetting services to be extended to all persons working with children and vulnerable adults. This will include teachers, caretakers and others working with children. The implementation group has yet to agree the exact sequence of the phased roll-out of the expanded service but will meet again on 13 December 2005. The report of the working group has been published on the website of the Department of Justice, Equality and Law Reform.

The issue of vetting of people who volunteer in the education sector also has to be considered in this context. The Department of Education and Science’s view is that the determining factor in deciding whether such persons should be vetted is the extent to which they have unsupervised access to children or vulnerable adults. In consultation with the education partners, this issue will be examined closely as the Garda vetting service expands.

The working group on Garda vetting recommended the introduction of specific legislation to provide for various aspects of vetting, including the release of soft information, indemnification against disclosure, and the maintenance of a national criminal records system by the Garda Síochána. It recommended minor amendments to the Protection of Persons Reporting Child Abuse Act 1998, to offer protection for persons reporting the abuse of vulnerable adults and not just the abuse of children and to the Sex Offenders Act 2001, to require a convicted sex offender to inform a prospective employer of a conviction when applying for a position involving unsupervised access to the physically disabled and not just children or the mentally impaired. These proposals are being considered by the Department of Justice, Equality and Law Reform and the Department of Health and Children.

The working group also recommended that the Department of Education and Science and the Department of Health and Children should explore the possibility of the development of non-Garda, employment-related vetting registers to provide information on those previously dismissed, suspended, moved or made redundant from posts for harming children or vulnerable adults in the health and education sectors.

While priority is being given to the extension of the Garda vetting services, discussions on proposals for legislation to establish a non-Garda, employment-related vetting register are ongoing between the Department of Education and Science and the Department of Health and Children.

The legislation is intended to establish a non-Garda employment-related vetting register for persons considered unsafe to work with children, a framework of liaison between the relevant bodies in the health, justice and education spheres and to facilitate co-operation with the agencies responsible for the maintenance of similar registers in the United Kingdom. The register, similar to the pre-employment consultancy system, PECS, in Northern Ireland, would provide information on those previously dismissed, suspended, moved or made redundant from posts for harming children or vulnerable adults. However, as is clear from the working group’s report on Garda vetting, there are complex legal issues involved in this jurisdiction, particularly with regard to the release of so-called softer information, such as allegations and complaints. Legislation which will provide appropriate safeguards to protect the rights of individuals will need to be carefully worked out, in consultation with the Office of the Attorney General.
The practical recommendations of the Garda working group are being brought forward by an implementation group, chaired by the Garda Siúchána and comprising representatives of the Department of Justice, Equality and Law Reform, the Department of Health and Children, the Department of Education and Science, the Department of Finance, the Office of the Attorney General and Mr. Paul Gilligan, chief executive officer of the Irish Society for the Prevention of Cruelty to Children.

Obviously, the Ferns Report has had a major effect on the country as a whole. My job and that of the Government and the Oireachtas is to protect those within our country who cannot protect themselves. This is also the job of our local communities and our entire society. In the past there have been shortcomings in the system. However, with the measures I have announced arising from the Ferns Report and the developments that have occurred under successive Governments over the past 15 years we have gone a long way to protecting our children. Nonetheless, we cannot be complacent and must continually strive to put in place better safeguards to ensure the levels of abuse outlined in the Ferns Report can never happen again. In addition, in the words of the Ferns Inquiry, it is essential that “there will be mechanisms and procedures in place which will enable victims promptly to report the abuse in the confidence that they would be believed and the certainty that appropriate action would be taken to terminate the wrongdoing”. It is the duty of the Government to ensure proper child protection practices are in place and in operation. This is a key element of the objectives that must be met to ensure the shocking and appalling events described in the Ferns Report are addressed fully and, as far as is humanly possible, prevented from happening in the future.

Ms O’Donnell: I wish to preface my remarks with a word of support for those priests who have done no wrong. They deserve our support and sympathy at this difficult time. The majority of priests are living out their Christian message in an exemplary fashion and have our support at this time.

It is difficult to overstate the importance of this report, produced by Mr. Justice Frank Murphy and his colleagues. It is a landmark document in the context of child sexual abuse — abuse which was compounded in its gravity because the actors were members of one of the most trusted groups in our society. The victims, children of all ages, suffered not only the most awful forms of sexual, physical and psychological abuse at the hands of clergy but also suffered the silence, betrayal and inaction on the part of the church who placed the protection of the most vulnerable below the church’s priority of protecting themselves and the church. Child protection came last.

I heard a chilling description of what these abusive clergy did to their victims as the equivalent of eating their souls and destroying their souls. Unlike other forms of ill-treatment, sexual abuse of children by priests, and the subsequent disbelief of their stories if they have the courage to speak out, is uniquely destructive of the individual spirit of a person, that inner place or core. Given the scale and brutality outlined in the report, it is truly remarkable, indeed awesome, to witness the human capacity to heal and even forgive among some victims.

This report, however, is a landmark in another respect. I hope it will change forever the special relationship that has existed for many decades between church and State. This report must be the starting point for the State’s response to all contained in it. But this new beginning cannot happen unless the old relationship ends. The unrelenting deference, which constituted the relations between church and State, must end. It was given for many decades and expected for many decades. This special deference and relationship was extremely influential in terms of outcome, and it must end. Only then can the State act as it should, which is objectively.

The systemic failure outlined in the report means nothing less is acceptable. If the church leadership, the hierarchy, was a cabinet, it would resign en masse or be thrown out of office. However, the church is neither democratic nor accountable. In many ways it is a secret organisation, with its own diplomatic service, civil service, laws and self-regulatory codes, which have all failed the public. Because the church in Ireland was the main interface with God, the Irish people and the State have shown deference personally and collectively over many decades. This veil of deference is the root cause of society’s failure to stop the church’s systemic maladministration and dereliction of duty to protect children as outlined in the report. Because what happened in one diocese is just a microcosm of the situation in all diocese, the findings are damning in their import. The fact is there have been hundreds of crimes of clerical abuse against children which went unpunished. Priests were transferred instead of being exposed. Priests with a propensity to offend were ordained, appointed to curacies, and bishops colluded and covered up these matters.

The mighty church has fallen from grace because of its failure to protect children. The first response of the State must be to state unequivocally that the special relationship is no more and to take steps to demonstrate that disconnect between State and church. From now on, with that veil of deference removed, the State can deal with the church authorities in the same way as it would with any other voluntary or State
agency that provides services for children and families. This means no longer accepting the bona fides or the good offices of an admittedly remorseful hierarchy after the event. The track record is such that we cannot accept that the church will be truthful or capable of self-regulation. The late disclosure of files by the church authorities to Ferns shows that the instinct for self-preservation and denial is still rife.

This "no more Mr. Nice Guy" approach by the State means no longer countenancing the unhealthy enmeshing of the church in the secular layers of our society. It means no more consultation between church and State on IVF, abortion services, stem cell research, Ireland’s support for family planning in the Third World, contraception or supports for single mothers, adoption, homosexuality and civil marriage. In a democracy, all views can be articulated but the special relationship must be over. The deference must be over. The cosy phone calls from All Hallows to Government Buildings must end.

This also means, like it or not, looking at the church’s almost universal control of education in this country. Our national school system was established 170 years ago and while it was originally meant to be, to use today’s terminology, mixed religion or multi-denominational, in practice this did not happen and, as a result, virtually all national schools are under the management of one church, the Catholic Church. Despite the State paying the bulk of the building and running costs, the relevant church authorities privately own and control the vast majority of national schools. The bishops are patrons of 95% of national schools. The same institution that has been so found wanting effectively decides who is suitable or not to work in our children’s schools. If our stated commitment to taking all necessary steps to protect children is to be more than just rhetoric, it is imperative that we radically address this issue. Indeed, the investigation into the archdiocese of Dublin should deal with transfers of lay teachers for allegations of child abuse without due regard to child protection.

I would like to turn to the money trail. The question of finances is perhaps a neuralgic issue. Again, in light of the terrible wrongs done to the victims, discussing finances might be seen as unseemly, but I believe money has been the motivating factor in the actions and inaction of the church authorities in this whole affair. Central to the church’s self-serving response over the years has been private financial settlements, without liability, as well as confidentiality deals. If the State is carrying out audits in every diocese, investigations that could uncover scores of previously undiscovered abuse cases, we must also audit the church’s wealth. Given the nature and extent of the wrongdoing of this institution against citizens, the church should be obliged to open up its books. Discovery orders could be made to gain some understanding of the money trail. Such an audit of church assets and wealth is long overdue and, in fact, should have been in place prior to the indemnity deal given to the religious orders.

Mr. Howlin: Hear, hear.

Ms O’Donnell: I note that, true to form, the church has the temerity to claim €100,000 for its legal costs for dealing with the Ferns Inquiry. It is estimated that the church now faces a compensation bill of up to €250 million for clerical sex abuse resulting from existing claims and new claims set to emerge following publication of the Ferns Report. On top of this is the €128 million already paid to victims of abuse in children’s homes run by religious orders.

Going back to the need for separation and objectivity between church and State, sadly, it is difficult to argue that this was the paradigm within which the negotiations on the indemnity deal struck by the Government with the religious orders took place. The cost to the orders was approximately €128 million, while the cost to the State would be a blank cheque, the State covering every lawsuit brought against the congregations for child abuse in reformatories and industrial schools. This is not to underestimate the share of responsibility the State has for some of the horrors that unfolded in these terrible places. The uncomfortable fact is that, in several cases taken in the courts recently by victims outside the redress scheme, the liability of the State has not been proven. Therefore, the blanket indemnity was over-generous on behalf of the State. Why? All roads lead to the deference of the special relationship. The result was a bad deal for the State and a good deal for the religious orders. Initial estimates of the potential liability were in the region of €250 million. Three or four times that amount may prove closer to reality in terms of liability to the taxpayer.

The special relationship has not served Ireland or its citizens well. It did not serve the victims of abuse well. For example, the implication in the Ferns Report is that complaints of sexual abuse made against priests to the gardai were not handled appropriately. Some of the complaints were not even recorded in any Garda file. They were not investigated in an appropriate manner due, perhaps, to reluctance by members of the Garda to investigate allegations against members of the Catholic clergy. Again, the deference descended. Undoubtedly progress has been made in terms of the independence of the Garda now vis-à-vis the church and that must continue.

I welcome the Government’s commitment to introduce new legislation as outlined by the Minister. However, legislation alone will not suffice. The law must operate and apply in a context of objectivity and cool detachment. Victims, family
members, friends, Ministers, politicians, gardaí, judges and all of us must not be deterred or reluctant to speak out and to act robustly on these matters. I welcome the fact the Government will move to allow for barring orders against persons, including priests, who are a risk to children in order to restrain them from occupying any employment that exposes them to children, and provide for a new criminal offence of failing to protect children from injury, sexual abuse or reckless endangerment.

Whatever about the failure to protect I turn to the failure to prosecute cases of child abuse. For many years I have been baffled, in Opposition and in Government, by the non-prosecution of child abuse cases, even when validated by the health boards. As Opposition spokesperson for justice between 1992 and 1997 I tabled dozens of parliamentary questions to the Taoiseach for the DPP asking why the statistics were so skewed. Because of my interest over many years I became a contact point for many families exasperated because of such non-prosecutions. The DPP does not give reasons, leaving victims and their families distraught. In some cases it was due to delay. Frequently the accused would take civil action seeking to stop the prosecution on the grounds that delay in prosecution prejudiced the defendant’s right to a fair trial. This device was successfully used by the notorious child rapist, George Gibney, who escaped prosecution and is now living abroad. Many abusers have availed of this device and it is the Judiciary, not the State, that has developed, to some extent, the law in this regard. We must change the law to state that delay alone cannot be used by the defendant in child abuse cases to stop a prosecution. The passage of time and thus delay is part and parcel of the crime of child abuse. Many victims will only disclose when they are safe or adult.

It is time for straight talking and respectful disengagement by the State from the Irish Catholic Church across all sectors. The enmeshed relationship has been characteristic of Irish life since the foundation of the State. One recalls de Valera’s drafts of Bunreacht na hÉireann being edited page by page by the hierarchy and my party’s unhappy but courageous suggestion of disengagement, known as taking God out of the Constitution.

One recalls also the many battles, mostly lost, between State and church, the pregnant women isolated and condemned from pulpits, dismissed from school, banished to Magdalene laundries, all the acts of a non-loving church; the unrelenting deference expected and given at State functions and in terms of diplomatic protocol in Ireland with the Papal Nuncio as numero uno in our diplomatic corps; the sweetheart deals for residential abuse; the non-extradition of Brendan Smyth; the related intrigue in the then Attorney-General’s Office and the inactions of official A, issues never really resolved as to any church involvement; the millions of euro paid in private financial settlements by the archdiocese of Dublin and, perhaps, others; the abortion referendum and the wording negotiated with the bishops in advance and with the pro-life movement; the tip-toeing around the State ceremony marking the elevation of Desmond Connell to Cardinal in Dublin Castle, known as the Larkin affair; my own mauling when as a Minister of State I criticised the church authorities in 2001 for doing what this report has now found, transferring paedophile priests rather than exposing them to prosecution, that many priests so transferred went on to play leading roles in the child abuse scandals in the United States; the secrecy about money and possible movement offshore thereof; the hiring of the best lawyers by the church, the hardball played by them on behalf of the church that still goes on; and the deafening and unbelievable immoral silence of the Vatican on the Ferns Report. It is overwhelming and compelling — there is no other way to say it and the special relationship must end between the State and the Catholic Church. As a faith organisation it must look to rebuild, if it can, its relationship with its flock. As one who has irreconcilable differences with the institution of the church, as is probably obvious, unless it allows the laity in, including women, it is in terminal decline. To follow my logic, those are religious matters, not matters for the State.

Dr. Twomey: I welcome the Ferns Report. It sets out in black and white what many of us have known for a long time is happening in Irish society. It is a pity this report cannot be more widely available to people. Even I was shocked by the physical descriptions of some of the abuse when put down in black and white. We suspected many of the cases were taking place right across the country but I am shocked to see it written in a Government report.

There are many reasons people look away, and continue to look away, when faced with the appalling issue of child abuse. The Ferns Report has focused on clerical sexual abuse in one diocese and has found 100 cases. I believe there are many more that have not been reported for a number of reasons, even within the diocese of Ferns. If County Wexford which makes up most of the diocese of Ferns contains 3% of the population, and assuming the rest of the country is exactly the same, then a nationwide report would unearth up to 3,000 cases of clerical sexual abuse, a huge figure by any estimation.

We are told clerical sex abuse cases only make up 5% of the total amount of child sexual abuse cases in the country. If we were to use that figure, it means more than 60,000 Irish children have been abused during the past few decades. This is...
an appalling vista that begs the question why so many people continued to look away, especially those who were in positions of power and who must have known so much about what was going on. Why did they all look away?

There is no doubt that many, clergy included, were never aware of issues such as child sexual abuse. I made inquiries in Wexford from people who attended St. Peter’s College in Wexford around that time. Most of those were aware there were priests who had to be watched out for but were not aware of the extent of the abuse taking place. There were many others who would have known many of the priests named in the report and would never have suspected there was anything untoward about them or that they would have been involved in anything so criminal. Genuinely, people did not know what was going on. There were others, clergy and lay people alike, who said they were aware that inappropriate behaviour was taking place but for a number of reasons said nothing about it. We should try to tease out why nothing was said about it. Sometimes it has to do with the sort of society we had at the time. To make allegations against a priest would have brought more trouble to the person making the allegation than it would have brought to the abuser of young children. There was the risk of being sued if one made allegations that one could not substantiate. Two points have borne that out: legislation from 1998 giving protection to people who make these allegations and, as stated by Deputy O’Donnell, the fact that so many of the prosecutions fail. People were very slow, certainly in the 1980s when I was growing up, to make these allegations. For many of the victims and their families the shame of what happened often drove them to try to cover it up. They did not want to report it and did not want it out in the public domain. It was not so much about prosecutions, they simply did not want people to know that a member of their family had been abused in such a way. Regrettably, it was an issue that was covered up by all parts of society.

However, there were those who knew what was going on and its extent and did nothing about it. They may well have known that crimes had been committed that warranted serious criminal charges and they still did nothing about it. A serious point that has not been teased out in the report is why many in authority were aware of extremely serious crimes being committed against children and did nothing about it. It is not good enough for them to say things were different in those days. They were the people in charge and the people who could have done something about it. All my life, like many in the House, I have had close associations with the Catholic Church when growing up. I went to Mass and served as an altar boy and would have been in close contact with a number of priests. As a teenager I attended a religious boarding school and would have been in regular contact with members of the clergy. Of all the members of the clergy I came across as a child and as a teenager I am aware of only one priest whom we had been warned by other students to stay away from. After six or seven months in the boarding school and following allegations of certain behaviour the priest was moved to another parish and was subsequently prosecuted for the crime of child sexual abuse when he was working as a priest in a parish. Is this practice still continuing? If so, what is being done about it? It is quite possible that priests are still being moved around when they are causing problems in a parish or allegations are being made against them. We need to know whether this practice has been stopped and what the bishops, as the people in charge, are doing about it.

We have much to learn from history. In 1985 a document entitled Building on Reality was published. This was a Government policy document covering the years 1985 to 1989 and gave rise to the Child Care Act. It is strange that no mention was made of child sexual abuse in many of those policy documents, even though in 1987 the Department of Health issued child abuse guidelines clarifying procedural issues and giving responsibility to the health boards. A 1989 report of cases investigated by health boards stated that 34% were classified as sexual abuse; 8% were classified as emotional abuse; 11% were classified as physical abuse; and 47% were classified as neglect of children. Throughout the 1980s the Government was aware what was going on, given that the Department of Health was issuing guidelines and the health boards were publishing reports on the issue. A charge of “See no evil, hear no evil” might have been made against legislators and those with a role in political life. I am surprised that the matter was left out of policy documents between 1985 and 1989.

While the public representatives might not have been on the ball regarding what they should have been doing, it was scandalous that between 1987 and 1989, as detailed in the report, most of the dioceses took out insurance to protect themselves from being sued by victims of abuse. The bishops have hard questions to answer in this regard. Why did they take this course of action without at the same time introducing child protection guidelines to protect children with whom they had extremely close contact at the time? The same is true of vulnerable adults for the care of whom many of the religious institutions had responsibility. The Ferns Report states that very few files were available in the diocese of Ferns prior to 1990. Why was the Ferns Report taking out insurance if it did not have any files available?

Mr. B. Lenihan: I believe the report stated that all the files fitted into a shoebox.
Ms O’Donnell: Money was the reason the dioceses needed insurance.

Dr. Twomey: We need to discover the terms of that insurance agreement. How much information did the diocese disclose to the insurance company? The real Ferns Report may now lie in what was disclosed to the insurance company. This is an important point which the Minister should pursue.

The issue of child sexual abuse in Ireland moved from one spoken of behind closed doors out into the open in the 1990s, which coincided with the time when the power of the church was weakening. I am sure Deputy Howlin will agree that 15 years later many people find it very difficult to face up to the issue of child sexual abuse, which is our experience on the ground in County Wexford even today. People still do not want to talk about the issues exposed in this report. We need to look back to the 1990s to consider what brought the issue into the open and to learn from that period.

While it had nothing to do with clerics, the Kilkenny incest case sticks out in my mind as a pivotal point when we exposed the horrors of child sexual abuse in our society. The McColligan case in the north west came to light in 1995. The horrors of the Goldenbridge orphanage were exposed in the 1990s. We had the cases of Fr. Brendan Smyth and Fr. Payne which gave undeniable proof, if it were needed, that child sexual abuse was present in our society and that we were doing little about it.

I often wonder why more than 100 cases have come to light in the diocese of Ferns warranting a separate report. The archdiocese of Dublin will be subject to the same kind of review. However, we need to look at what happened throughout the country. I do not believe that County Wexford and the archdiocese of Dublin were the only two hotspots for this kind of terrible abuse. We should try to explore why this came to light in Ferns. Perhaps it had something to do with the Kilkenny incest case, following which a report was issued and recommendations made, which were clearly followed up by the South Eastern Health Board at the time. The recommendations covered the following: how to report child abuse; holding case conferences; interagency co-operation between the Garda and schools; recording of information; prevention and family liaison supports; and counselling for victims of abuse. Things changed in the south east in the 1990s. While the Kilkenny incest case was not the only factor, it was important.

There was the hard work of brave individuals who came out and spoke, including many who had been victims of abuse. It was highly significant that some of the victims came forward and made themselves known. They put their names in the media and broke the stigma. Many of these people have led terrible lives because they carried a stigma and feel they continue to be the victims. In some respects they may feel they were wrong. We need to give great credit to people like Colm O’Gorman who came forward and exposed what was going on. If those people had not come forward we might never have had the Ferns Report.

When discussing this matter we should be careful not to engage in a witch-hunt. Nobody wants a repeat of what happened in Cleveland in Britain in the 1980s, which was a disaster for the families involved. Two doctors made allegations that children were being abused and many children were taken from their parents and placed in care. The parents had to fight for many years to have their children returned from care and it was eventually proved that no abuse had been carried out. The over-zealousness of the two doctors resulted in children wrongfully being taken from their parents. However, we also need to face up to child sexual abuse in our society and challenge it in a serious way. In 20 years’ time a report into what we do now may be published, just as people look back to what we should have done between 1985 and 1990 and what happened in the 1990s.

Some good things have happened, including protection for those who report child abuse to protect them from being sued by the abusers, who can be very manipulative and well able to get their own way. I welcome the report’s recommendation that the non-reporting of a crime become a crime in itself, which might change behaviour. If we cannot do so in a nice way we should use the iron fist of the law to change the behaviour of those with responsibility, including bishops and school principals. We need to invest more in child protection. The Minister of State referred to the Garda vetting unit. We must not forget those doing fantastic work for voluntary groups, both within the church and outside it. They must not be forgotten. I hope that my colleague, Deputy Enright, will speak more about a policy she published a year ago on the matter of vetting and protecting children in our society.

Ms McManus: I listened with interest to the speech of the Minister of State, Deputy Brian Lenihan, and I wish him well. I am sorry Deputy O’Donnell is not here because I listened with some surprise to what she had to say. Her speech was lacking in honesty and I believe it was an attempt to rewrite history. The Progressive Democrats has been in Government for the past eight years and bear equal responsibility for the decisions of Government, including the infamous indemnity deal with the religious orders that in effect let them off the hook. The Progressive Democrats must take responsibility for that with Fianna Fáil. They must also take responsibility for trying to have a referendum on abortion passed which would have created a threat to the lives of young desperate pregnant women. That
is equally the record of the Progressive Democrats and nothing said this morning can negate that fact. At least Fianna Fáil takes responsibility for what it does, even when it is wrong.

The Ferns Inquiry report is one of the most disturbing documents ever to come into the public domain. The report recites a litany of depravity and pain, cowardice and courage, shameful evasion of duty and quite remarkable dignity and resilience. It paints a picture of how latter day scribes and Pharisees protected their institutional interests and how children suffered grievously and struggled as adults to cope with what had been done to them. In the words of Colm O’Gorman of One in Four:

The Ferns Report speaks of the sexual abuse and rape of children by priests in the Diocese of Ferns spanning a period of forty years. Those children as adults spoke out, many turned to their Bishop, and they were not responded to. In many cases they spoke to others and often their cases came directly or indirectly to the attention of the Garda or the Health Board. The gross failure of the Catholic Church to respond to their complaints and the failure of state agencies to effectively investigate and prevent the abuse of those victims and countless other victims is detailed with forensic insight in the Ferns Report.

With such a report, one looks at the recommendations and whether they will be implemented. However, all of us have a duty to ask the deeper question the report raises. How could this have possibly happened? Much of the answer rests in the existence and exercise of unaccountable power. For too many years, too much of our society was controlled by an institution which exerted too much influence and which saw itself as wholly unaccountable.

We live in different times, but we must not lose sight of the lesson. Where there is power without democratic accountability, that power will be abused. Where there is authority without transparency, that authority becomes oppressive. When we lose sight of the basic principle of equality, human rights will be trampled.

Those who raped and abused the children of Ferns were figures who held responsible positions in society, including in a number of cases the position of school manager. They are people who demanded and received the respect of others. Therefore, the abuse of trust involved here, of parents and their children, is all the more shocking.

Mr. Justice Murphy and his colleagues are entitled to our appreciation and thanks. They in turn have recorded their debt of gratitude to the people who spoke about their experiences of abuse, and so should we. We should also recognise that there is still a hidden reservoir of pain being plumed. In one week, since publication of this report, the agency One in Four has received 250 new approaches from victims of abuse. During the period from May to September the total number of approaches was 380. Ministers and Catholic bishops have called on abuse victims to come forward, but unless the resources are provided to meet their needs these so far unheard voices will be speaking into the wilderness.

The report is quite clear in stating where the priorities of the Church authorities lay: “By failing to properly identify the problem of child abuse even to colleagues and professionals, Bishops placed the interests of the Church ahead of children whose protection and safety should at all times have been a priority”. The Catholic Church may well believe that as an institution it has the right to self-regulate and develop and follow its own internal rules, but we are a democratic society and as such we have a right to ensure that control of our education system is at all times open and accountable to the people.

It is said that a childhood can last a lifetime. For those who have suffered abuse as children, that is true. We know that the terrible effects and the grave psychological damage of having been abused can lead people to suffer throughout their life. The Ferns Report states:

The impact of such abuse can have far reaching consequences, not only for the victim, but also for their relatives and friends. This damage can continue over a period of many years and into subsequent generations.

Since the report was published, the victims of child sexual abuse have heard us express our revulsion that such crimes could be committed against children, our astonishment at the nature and extent of this phenomenon and our determination to ensure it does not continue. If I were one of those victims, I would concentrate on this third aspect. How great is the State’s determination to take steps against child abusers and what, specifically, is proposed?

The first issue facing us now is the Dublin inquiry to which the Government has long since committed and has finally announced. The Labour Party welcomes the appointment of Judge Yvonne Murphy, but we are concerned at the restrictive timeframe imposed on the inquiry. It has taken the Minister three years to deliver it and he has no qualms about justifying the delays. However, there is a real danger that the strict limits he is applying to it may prevent it completing its work.

There is another concern. The terms of reference confine the inquiry to examining a sample of “complaints or allegations of child sexual abuse made ... against clergy operating under the aegis of the Catholic archdiocese of Dublin.” This would appear to exclude members of religious orders from the remit of the inquiry.
[Ms McManus.]

Let us take a practical example involving three men in religious life against whom allegations of child sexual abuse are made. The first is a Christian Brother who worked in a residential unit. The claims against him will be examined by the Commission to Inquire into Child Abuse. The second is a Dublin parish priest, a manager of a national school. His case will be inquired into by the Dublin inquiry. The third is again a Christian Brother who worked in a non-residential school. The allegations made against him, no matter how serious, will not be investigated by either inquiry.

When the Minister first announced this inquiry in 2002, he held preliminary meetings with representatives of the diocese and of CORI. I do not know the purpose of the second meeting since the inquiry announced yesterday has no bearing on CORI members, unless, perhaps, securing such an outcome was the purpose of that meeting. I would be grateful if the Minister would elucidate on this issue.

With regard to the time an inquiry can take, I am conscious of the facts that pertain to an investigation into the Kilcornan centre run by the Brothers of Charity in Galway where there were allegations of sexual abuse of up to 100 residents in the years from 1965 to 1998. These are people with severe physical and intellectual disabilities. In response to the allegations, the Western Health Board established an inquiry. Six and a half years later we still await publication of that report. In 2003 a health board official admitted that the investigations had taken a great deal longer than anticipated. We should know why it is taking so long to publish its findings? Why has no interim report been published and what is being done to address the issue?

On the more general question of what reforms are immediately proposed, it is important to address this question in the light of one of the more sobering statistics quoted by Judge Murphy in his report. According to research undertaken by the College of Surgeons on behalf of two Departments in 2002, the prevalence of child sexual abuse by religious is 3.2% of all reported cases. That figure should not, of course, provide comfort to the religious since they represent nowhere near 3.2% of the adult population. Nonetheless, it should give us cause for thought. The figures published last week on the numbers of children taken into care as a result of sexual abuse are also highly relevant. One does not take a child away from its parents and out of the family home because the child has been abused outside the home by someone who is not a family member.

Mr. Justice Murphy points out that what he calls “third party” abuse of children — the systematic abuse of children outside the family and the family home by third parties in a position of trust and authority over children — represents a small fraction of the abuse occurring in Irish society. That is not to say, however, that it does not constitute a major issue for organisations entrusted with the care of children.

The recommendations set out in the report are addressed to three separate Departments. I will refer in more detail later to the disjointed nature of Government structures for the care and protection of children. My colleagues, Deputies O’Sullivan and Costello, will deal in more detail later this afternoon with the recommendations pertaining to the Departments of Education and Science and Justice, Equality and Law Reform, respectively. Some of the recommendations in the report relate to the health services. The essential problem in respect of the health services was that although the health boards — now the HSE — had a power to investigate, they did not have a power to intervene or to take other action on foot of their investigations. It seems that, in such circumstances, some of what they did may have been ultra vires. Therefore, the proposed new power to take out barring orders against third parties is welcome. I am not convinced that the HSE’s approach to the duty of care it owes to children at risk is adequate. The resources and training given to HSE employees are also insufficient to meet that duty of care.

I would like to speak about a wider structural problem in the health sector. The poor relations within the health services are welfare in general and child welfare, care and protection in particular. It is an accident of history that such services are provided by the Department of Health and Children. Those of us who have tried to compare this country’s health expenditure with that of other countries are aware that Ireland’s figures are entirely skewed because much of what is classed in this country as health expenditure would be described in other countries as welfare provision. Child care and child protection will not thrive as long as they rank as also-rans within a health service that regards its main role as the provision of primary health care and hospital care to the general population.

Equally, preschool child care will not be taken seriously as long as its delivery is entrusted to the Department of Justice, Equality and Law Reform. Regardless of the good intentions and dedication of the Minister of State, Deputy Brian Lenihan — I do not doubt his ability or dedication — at the end of the day he is just a Minister of State operating under three different Departments. He does not have his own budget, he does not have his own legislative programme and he does not have direct access to the Government.

The Public Service Management Act 1997 was supposed to introduce new procedures to enable our system of government to manage better a cross-cutting issue such as child protection. Under that Act, the Government was supposed to be
able to make orders assigning functions and responsibility for cross-departmental issues and allocating a team of civil servants dedicated to delivery. Eight years after the legislation was passed, no such order has been made in respect of an obvious issue like child protection, or in respect of any other issue. As long as Departments and Ministers maintain this silo mentality, something as important as the protection of our children, which is the shared responsibility of three Departments or Ministers, will remain the priority of none. I recognise that almost every interest group with an agenda for Government action demands the appointment of a Minister, or a seat at the Cabinet table to put it another way, to deal with the issue in question. It is clear that the present system is not working and needs to be addressed.

The issues which arise from the Ferns Report will not be dealt with in a coherent fashion if they continue to be divided between three Departments, none of which wants responsibility for managing what it perceives to be unmanageable. A single Department of children’s affairs would deal with preschool, primary and secondary education, the child care and child protection functions of the health boards and the juvenile justice functions of the Department of Justice, Equality and Law Reform. It would be able to adopt an approach that encompasses the Breaking the Cycle programme, school truancy, homelessness, juvenile diversion, the Stay Safe programme, children at risk and much more.

The Labour Party’s position on this matter is clear — children’s voices deserve to be heard, children’s rights must be recognised and services to children must be provided coherently and holistically. I do not think the Minister of State, Deputy Brian Lenihan, or any other Minister of State can guarantee us that this will happen. If that is the lesson we will take from the Ferns Report, I hope it is one we can act on. If legislation is published to protect children, the Labour Party will not be found wanting when it comes to supporting the Government in that regard. It is important, at all times, that there should be honesty about the Government’s record and an honest approach to this important issue.

Mr. F. McGrath: I would like to share time with Deputies Gormley and Ó Caoláin.

Acting Chairman (Dr. Cowley): Is that agreed? Agreed.

Mr. F. McGrath: It is with great sadness and anger that I speak during this debate on the Ferns Report, which was published by Mr. Justice Murphy, Dr. Helen Buckley and Dr. Laraine Joyce, whom I thank and commend on their work. This horrific report identifies over 100 allegations of child sexual abuse which were made against 21 priests in the diocese of Ferns between 1962 and 2002. This nightmare report, which deals with the hurt and pain of children, is just the tip of the iceberg. Everyone has to wake up to the reality that great pain and hurt was suffered by children who were sexually abused, exploited and raped. I will always focus on the victims and the survivors. During this debate, Members need to react to the Ferns Report in a way that supports and assists the victims and puts in place prevention measures for the future. If we cannot do that, we might as well pack up and go home.

We need to face the reality that most child abusers are aware before the age of 18 that they have a sexual interest in children. That is why many such people have an interest in the caring professions relating to children. As the isolation of children is an important part of their process of manipulation, there is a need for the Stay Safe programme to be put in place for all children. I appeal to the 20% of primary schools which do not offer this excellent child safety programme to reconsider their position. It is worth noting that genuine research, particularly that published by Professor Anthony Beech of the University of Birmingham, has indicated that 58.5% of child sexual abusers were aware of their sexual arousal to younger children by the age of 16. Some 92.5% of such people were aware of their feelings by the age of 21. Such early awareness is not unusual for sexual offenders. Harsh facts have to be faced if we are to protect children. For example, we have to address the reality that 42.5% of child sexual abusers said that while abusing children was not their primary motivation for working with children, it formed part of their motivation. Now is the time to acknowledge that the existence of paedophiles has been a reality for centuries and to do something about it.

I welcome the proposal that the commission will investigate any instance of dioceses not implementing church guidelines in respect of child sexual abuse. There have been many failures in this regard. I would like to cite an example of how guidelines were ignored and children were knowingly placed in danger. In the case in question, a victim’s attempt to redress the matter received a spectrum of responses, from cold indifference to aggression. In this example, the church and some national groups failed our children. In the late 1970s, a religious principal teacher of a Dublin primary school sexually abused a 12-year-old boy, who is now a personal friend of mine. In the mid-1990s, the victim of the abuse informed, in writing, the provincial leader of the abuser’s religious order. Some 18 months after he made the allegation, the victim became aware that his abuser was still teaching. It was obvious that nothing had been done about his allegation, so the victim contacted the Garda. Despite the involvement of the Garda and the then Eastern
Health Board, the abuser was allowed to continue to teach for a further period of 18 months. In other words, he taught for a total of three years after the allegation was made and was removed from the school only when a charge was brought against him. He was subsequently convicted of abusing the victim known to me and another young boy.

In the late 1990s, after the man in question had been convicted, the victim visited the Christian Brothers province leader — I refer to St. Mary's province — to ask him why many of the under-takings promised in the 1996 publication, *Child Sexual Abuse — A Framework for a Church Response*, were not delivered on in this case. The province leader became angry and enraged. He lost his temper, raised his voice and banged his hand against the arm of his chair. He acted in an abusive, aggressive, bullying and threatening manner.

The victim sought the help of the primary schools branch of the National Parents Council in an attempt to provide more protection and justice for pupils in schools and to share the insights he had gleaned from the entire experience. He asked the council to support him in finding out why a teacher accused of conducting sexual abuse was allowed to continue to teach young boys in a school for three years. It is shocking that he did not even receive an acknowledgement of his letter from the council. Some time later, he telephoned the council only to be informed that it had forwarded his letter to the Catholic Primary Schools Management Association. When he contacted the CPSMA by phone he was told it was not interested in what he had to say and that a file would not be created on this matter. This is but one story of the refusal of the church and of national groups to take on board, listen to and learn from the experience of victims. Its inaction and coldness has caused great distress which compounds the effects of the original abuse. I welcome the commission and I hope the victims’ wisdom and voices will drive its activities.

I also wish to raise the important issue of sexual abuse of children and adults with an intellectual disability. This is another scandal. Most of their voices have not been heard and will never be heard. This is the hidden story of this debate. Children and adults with disabilities have been abused for years and nothing has been done. I urge everyone to read the report and implement the recommendations immediately.

**Mr. Gormley:** I thank Mr. Justice Murphy and his team for a very thorough report. The Ferns Report engenders both revulsion and deep anger in the reader. As I read some of these graphic accounts I have to confess I wanted to inflict serious injury on some of the perpetrators of this abuse. In particular, when one reads the accounts of the activities of Fr. Fortune, one is lost for words. The only way I can describe this person is evil personified. One account that stood out for me was that of Colin who said that on the day he was getting married, the priest officiating said that he believed they had a mutual acquaintance, namely, Fr. Fortune. This is a sign of a really sick mind but it also shows that there was a network of sorts in place.

As we get over our justifiable outrage we must ask serious questions because the scale of this abuse could not and cannot have taken place in a vacuum. People knew, people suspected and many people, I am afraid to say, turned a blind eye. Those who complained were ignored. It was similar to the type of culture described by Seamus Heaney when describing Northern Ireland, “whatever you say, say nothing.” It appears that politicians knew because, for example, a councillor put forward a motion to the South Eastern Health Board and only got the support of one other councillor. Who were those other councillors and why did they not support that motion? The church has primary responsibility for all this but the political institutions also let these children down.

From pages 238 and 239 we also know that the report was known to the Office of the Garda Commissioner. It knew about the activities of Canon Clancy because a letter was sent to the local sergeant, yet it was not acted upon. If the Garda Commissioner knew about this, clearly the Minister for Justice at the time must have known about it, yet nothing was done and no further investigation is being carried out.

I listened to what Deputy Twomey had to say. My experience is similar to his as I too went to a diocesan college and I did not know of any priests who were involved in abuse. On occasion, some engaged in physical violence but I knew of no examples of sexual abuse. For the most part, many priests led exemplary lives in difficult circumstances. A number of things must emerge from this report. Deputy Sargent referred to this matter during Leaders’ Questions. The church must reform and the issue of celibacy must be seriously examined.

We must also examine the role of the church in primary schools. I do not think priests should have an automatic right to be on school boards. The Ombudsman for Children has said that many areas need to be examined. She is on record as saying that the legislation in her areas of responsibility is not strong enough. Many sections of the Children Act 2001 have still not been implemented. Section 10 of the Criminal Law (Sexual Offences) Act 1993 states that better notification is needed and the Garda needs to be in a position to better respond when we know there is a paedophile in an area. These are all areas that must be addressed on foot of this
Caomhghín Ó Caoláin: This report reveals a clerical establishment that wilfully ignored what can only be described as an epidemic of abuse. It reveals a picture of rogue clerics preying on successive generations and being facilitated in this by the church authorities. What emerges is an attitude on the part of the church that sees children as objects rather than human beings. They were objects of temptation for so-called “weak” priests. The little action that was taken was about helping the priest to resist “temptation” — the children were apparently irrelevant. The perceived precedence of the church’s reputation over all other considerations led to untold suffering.

The authority enjoyed by the church at the time was something that was valued not just by that institution but also by many other conservative forces in society. The inability or unwillingness of the Garda to take action on this matter is a case in point. At one stage an allegation of the most appalling abuse carried out on the altar against young girls preparing for their first holy communion ran into a brick wall because the file disappeared, not the witnesses or victims, just the file. I seriously question how the disappearance of a file containing witness statements could cause such a serious investigation to fall. Surely in a matter of this gravity the taking of a second set of statements would have been the normal practice. Only in doing so could the authorities have shown that they really did intend to prosecute and protect the children concerned.

I note also that the garda responsible for the disappearance of this file was subsequently honoured by the Vatican for services rendered. It would be most useful if the church could clarify the circumstances and reason for this honour. Until it does, the suspicion must be that the attitude of cover-up stretched right into the heart of the Vatican, if indeed it did not emanate from there in the first instance.

I do not intend to go into individual cases. However, it is worth mentioning the case of Seán Fortune to illustrate the processes at work. Here was a priest who had been identified as a predatory paedophile before he was ordained, yet he was ordained. Throughout his time in the priesthood the most vile allegations followed him around like a dark cloud. The dogs in the street knew what he was, yet he continued on with the air of a man who considered himself untouchable, and well he might. Time after time his bishop ignored the reports that he received and allowed him to continue to wreak havoc with young lives in the diocese, so much so that at least two of his victims were driven to suicide. In these circumstances those who knew and did nothing are as culpable as the abusers themselves, perhaps even more so. The abuse was perpetrated in all areas, in the home, in schools, at social events, anywhere the abuser could find a victim. We should make no mistake, there are abusers in all walks of life — they are not only clerics. The Ferns Report, shocking as it is, is but the tip of an iceberg that lies deep in Irish society and beyond.

I will conclude by making a number of recommendations that must be implemented urgently if this scourge is to be seriously tackled. The guidelines in Children First — National Guidelines for the Protection and Welfare of Children must be fully resourced and implemented so that all the agencies covered, including the Garda Síochána, the Health Service Executive, schools and voluntary organisations are enabled to fulfil the role outlined for them.

For every one staff member working with children in this country, there are at least 20 volunteers. Therefore, Garda vetting must be made available to the voluntary sector as a matter of urgency. The basic child protection awareness module delivered to trainee gardaí in Templemore is grossly inadequate given the key responsibility they have in the area of child protection. Therefore, I urge that a comprehensive child protection training package should be developed and delivered to all gardaí as a compulsory part of their training.

The numbers of children first information and advice persons in the HSE and their resources should be increased in the HSE areas to ensure the child protection training they deliver to staff and volunteers working with children is available to all who need it.

This report exposes the extent to which the power of the church in Ireland was used to destroy the rights and the lives of children. For too long that power went unchallenged by the State. Indeed, it was enhanced by the State which abandoned so many children into the hands of their abusers. The lessons must be learned and action must follow.

Mr. O’Connor: Like other colleagues, I come to this debate with much sadness because any of us who read the report, or who tried to understand the issues, are hugely upset by it. I compliment my colleague, the Minister of State, Deputy Brian Lenihan, on his work and on his handling of what is very difficult business for him. We should wish him well as he proceeds.

As other colleagues have said, this debate is about the development of Irish society. There has been much talk lately about how Ireland is moving forward and progressing and how it is now seen throughout the world as an important player and a rich country. Much of what is going on now is about looking back at our past and exposing many things that happened as our State developed. A number of people have asked me in recent days why this debate is only about Ferns
[Mr. O’Connor.] because there is a lot of other business which needs to be tackled. Colleagues made the point last week that as we approach the centenary of the Easter Rising, we need to celebrate it in different ways. I will not get into the debate about parades but, as a nation, we need to come of age and to deal with issues which must be addressed. The business before us is about that and the broader issues.

I have read a good deal of the Ferns Report which makes appalling reading. We should, in the strongest way, condemn those involved in abusing children. As colleagues have said, let us hope it is not happening on our watch. I remember making the point on a number of occasions during my time on the eastern health board that we must ensure things are not happening today in the name of the State which will be exposed in 30, 40 or 50 years time. We must ensure people will say things should not have happened again because what took place 50, 60 or 70 years ago should not have been allowed to happen.

I come from a generation when children were beaten in school. As a small child I remember hearing people on the streets threaten children with being sent to Artane or to other industrial schools. Thank God I have no bad memories from my childhood, including from school. As colleagues said, the dogs on the streets were saying children were being badly abused and poorly looked after in these places but the State and the establishment did not seem to do anything about it. We have waited all these years to be brave enough to do something about it. Those who are exposing these issues are to be applauded.

Reference was made to the various organisations which have done marvellous work, including that of Mr. O’Gorman, One in Four. I got to know that organisation and a number of Mr. O’Gorman’s colleagues. Members will remember that approximately two years ago, a constituent of mine, Mr. Tom Sweeney, was on hunger strike outside the gates of Leinster House. I found that a very difficult time in my political life in the sense that one was dealing with people who were clearly upset and who had been abused. We tried to help them as much as possible. I hope colleagues will not mind me saying this but I also got to know the new Archbishop of Dublin, Diarmuid Martin, at that time and I got a good appreciation of where he was coming from on this issue. I was very impressed by his reaction. I am glad he was so forthright this morning in welcoming the initiative of the Minister, Deputy McDowell, the Minister of State, Deputy Brian Lenihan, and the Government establishing the Dublin abuse inquiry. That is important and I am glad the Archbishop has promised full co-operation with the inquiry which is to be applauded. I hope we finally overcome the issues.

This debate should not only be about Ferns, although I certainly do not want to detract from the debate on it. However, I welcome the Dublin inquiry which should be wider. Despite our efforts in recent times and all that has been done, there is still a lot of hurt and a lot of upset people, many of whom still have not come forward and have not had their problems addressed. They include many people who were abused in institutions, State homes and so on. There are also other categories, including people who were abused in the home and who were the victims of incest. If we are growing up as a nation, if we are tackling these problems as a society and if we are prepared to expose the wrongdoers, then we should go all the way.

I join in the appeal to those people who have been abused and hurt to come forward. The Minister of State made the point that there is an open door and I hope people will find a way to address their issues. Other colleagues made the point about costs which I have also heard in conversations I have had with people in the Ferns diocese.

The efforts of Bishop Eamon Walsh in Wexford should be commended. He is an auxiliary bishop based in my constituency and the work he has done in Wexford has been generally applauded and universally acknowledged. We should also support the religious who are doing their jobs and I was glad to hear colleagues make this point, although counterpoints have been made in regard to the Catholic Church. I remember at a function a while ago making the point in regard to a departing priest that we should not be afraid to praise and applaud the work of priests who do their jobs in light of everything going on, who have no stain on their characters and who are very much respected by communities. The community very much appreciated me saying that. We should not be afraid to speak up for those in religious orders and the priesthood who want to get on with their jobs and who find what is going on very difficult to deal with but who deserve our praise. If we neutralise them in our parishes and deprived communities, where do we go? The lesson of the Third World should not be lost on us in that regard.

It is important the Oireachtas has the opportunity to discuss this report. Serious issues must be dealt with. I do not believe the full story has come out and we must continue to press to ensure that happens. I look forward to the Minister of State’s response in that regard. He should listen to those who say there are still many cases to be addressed and many hurt people to be heard. He should understand he will have the support of both sides of the House as he continues and represents those who did not have a voice for a long time.

Debate adjourned.
Mr. Bruton: I thank the Minister for his reply, which is clear on commitment but short on detail. I am disappointed the Minister does not intend to have the new procedures in place to allow us to have a more meaningful debate on the Estimates and budget for 2006. I refer to five white elephants, e-voting, MediaLab, Stadium Campus Ireland, accommodation for asylum seekers that was not occupied and the health service computer system. Between them, they cost €500 million, which would have furnished 500,000 families with a medical card, ensured 40,000 inpatient procedures and 2,000 extra gardaí on the street. The issue of waste has a real impact on the capacity to deliver services to people who need them.

What changes will the Minister make to the budgetary process? Will Estimates be provided earlier? Will we be provided with more resources within the Houses to evaluate them? Will key performance indicators be linked to Estimates when we vote on them? Will a cost benefit analysis of taxes be conducted so we can see that what is being done on the tax front is sensible? Will the Minister change the remit of the Comptroller and Auditor General so that instead of examining repeated mistakes, the causes of mistakes are addressed? Will he reinstitute the programme review, which has been allowed to rust under recent stewardships in the Department?

Mr. Cowen: I hope to make an announcement in the budget on the ongoing reform process I have in mind. My initial reply outlined a number of issues that must be borne in mind in the context of reform. We have obligations such as reporting to the EU and so on, and I referred to the question of timing. The PAC report, which is short but which contains annexes by Deputy Rabbitte and others, mentions the question of bringing forward the Budget Statement to September or October. However, we need updated data because when one is planning for the next financial year, the latest and most accurate data are needed. Under the present circumstances, having data up to the end of November provides a much better prospect of proper accountability regarding expenditure or revenue projections than relying on August’s ERO or second quarter returns in June. I have come to that view and there is a strong reason that should be the case.

I refer to the Deputy’s question regarding the Comptroller and Auditor General. The PAC’s remit under Standing Order 156 provides that Ministers can be held to account. There is not an ex ante appraisal mechanism for the Comptroller and Auditor General and, therefore, I do not see why it should be provided for the PAC. That is
not the issue. Ministers also have responsibilities and duties to discharge and we derive our executive authority from the House. The principle of democratic accountability is about the Executive acting and being held to account through the normal scrutiny powers available to the Parliament. We must be mindful in the context of reform not to provide that executive action is subject to *ante* appraisal before action is taken. That is a matter for Government to institute and decide upon in the interest of effective governance.

The principle of accountability relates to decisions taken and consequential expenditure. We do not want to end up with a gridlocked system where so many appraisals, overlays, reviews and reports are under way that the opportunity for action is lost. What is put forward as a more effective and efficient procedure might undermine the objective for which it was set up. I believe in trying to devise mechanisms which will streamline the process by improving the data and information available to the House, ensuring the committees can discharge their accountability requirements and involve Members more widely in their appraisal and participation in such a process but not in trying to put the cart in front of the horse where the rights and duties of Ministers are compromised to the point of not achieving the objectives which the Deputy wishes to set out. There are many views on these issues but I am giving a flavour of what I am trying to do.

**Mr. Bruton:** The Comptroller and Auditor General’s remit should be extended beyond reporting on past failures to improve corporate governance by preventing their repetition. That was my suggestion. Does the Minister agree that if key performance indicators are not published by Ministers with the Estimates, the Dáil cannot see them earlier and real evaluative work must be done, thereby learning the lessons of the past.

**Mr. Cowen:** In his reporting powers the Comptroller and Auditor General can make any recommendations to the committee, which will subsequently be communicated to Ministers and responded to by Ministers if they so wish.

**Mr. Bruton:** That is the end of it, there is no follow up.

**Mr. Cowen:** Ministers make decisions under legislative authority and the authority of this House. That is their constitutional duty and no one else has this duty. Those in other roles can make recommendations but Government makes decisions and is held accountable for these. This may involve disagreement among people.

Deputy Bruton seems to indicate that others should determine what are the Government’s rights and entitlements. Government must make its decisions and must be held accountable for these decisions. Tax expenditures are regularly reviewed and examined in the context of the annual budget and Finance Bill process to ensure they continue to meet——

**Mr. Bruton:** The Minister has experience of this. He should not pull that one.

**Mr. Cowen:** I do not subscribe to the idea that budget day is irrelevant. One sets out a summary of budget proposals and the total Government revenue and expenditure for the following year. It is very important. The idea that we should reform because budget day does not mean anything might correspond to a popular myth but the budget is an important process.

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### Tax Code

102. Ms Burton asked the Minister for Finance the number and percentage of income earners who are paying tax at the higher rate and the standard rate for 2005; the comparative figures for each year since 1998; when the Government will honour the commitment given in An Agreed Programme for Government that 80% of all earners will pay tax only at the standard rate; and if he will make a statement on the matter. [33305/05]

**Mr. Cowen:** I refer the Deputy to tabular data provided in reply to Parliamentary Question No. 531 on 28 September 2005. This remains the most up-to-date information available. The data indicates that for 2005 only one third of earners will be on the higher rate of tax, while almost 31% are on the standard rate and almost 36% are exempt.

The 80% target in An Agreed Programme for Government was set in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down in order to strengthen and maintain the competitive position of the economy. Further progress in this area will be a matter for consideration in the context of
the annual budgets over the coming years consistent with the Government’s overall economic and budgetary strategy.

The Government’s tax policies since 1997 have ensured that Ireland now has the lowest tax wedge in the EU, and one of the very lowest in the entire OECD as measured by that organisation using comparative data relating to those earning an average production wage. After tax income for a person on the average industrial wage, adjusted for consumer price index inflation, is now 40% higher than it was in 1997. Approximately half of this increase is due to lower taxes.

Moreover, one reason many income earners pay at the higher rate is that incomes have increased significantly. This is not an indication of a problem but of a major economic success.

**Ms Burton:** The Government made solemn promises in its partnership agreement for Government and in Sustaining Progress agreements with the social partners that 80% of tax payers would pay at the standard rate or below. The figures in the Minister’s earlier answer show that this year only 67% of tax payers will be at the standard rate or below. Is this not the biggest smash and grab raid on ordinary PAYE workers by this Government?

These workers were mugged by the previous Minister for Finance for two years in a row when he failed to index the credits and allowances. Deputy Cowen continued the mugging last year when he promised a decrease in numbers on the higher rate but the Minister’s figures show some 25,000 more workers are now paying at the top rate than were paying at that rate last year. Where is the tax justice when millionaires pay no tax? Someone just above the standard industrial wage will pay 42% on overtime and additional earnings. Where is the tax justice for PAYE tax payers?

**Mr. Cowen:** There is significant tax justice for lower paid income earners since this Government came into office. When Deputy Quinn was Minister for Finance one in four workers were exempt from the tax net on much lower income. More than one in three workers is now exempt from tax and this occurs in the context of an extra 500,000 people at work. The number of people exempt from tax has doubled. If I were to pursue a programme for Government which left one in four exempt from tax, Deputy Burton would quote figures of 75% of workers on the standard rate. The difference between 33% and 25%, some 8.5%, now exempt from tax because of our tax policies, would pay standard rate tax at 20%. In other words, Deputy Burton is criticising me for taking more people out of the tax net at the bottom and for not having 80% of taxpayers paying 20% I have taken people out of the tax net. Is Deputy Burton suggesting I should not have changed the policy that left one in four workers exempt from tax? If this were the case an extra 8.5%, currently exempt, would pay tax at the standard rate and this would add to the figure of 67%, giving a total of more than 75%.

**Ms Burton:** Social partnership is under strain at present. The commitments by the Government in the programme for Government and in Sustaining Progress, to have 80% of taxpayers paying at the standard rate, have been breached repeatedly. On the other hand, millionaires can pay no tax and the top 400 earners pay little or no tax, according to the Revenue Commissioners. A worker just above the average industrial wage, on approximately €32,000 per year, will pay 42% on a miserable bit of overtime. This is contrary to the Governments promises to the social partners. What is fair in that and what is the Minister doing to address this?

**Mr. Cowen:** According to the Deputy’s view of the world——

**Ms Burton:** I quoted the Minister’s statistics.

**Mr. Cowen:** Statistics can be used for any purpose but the reality is that an extra 500,000 people are working and there is an increase in the number of people who no longer pay tax. More people pay at the 20% rate than before. If the Deputy wishes to make the comparison between how workers fare under the tax policies of this Government and the policies when Deputy Quinn was Minister for Finance, we can do so and I will win the argument hands down.

In respect of high earners paying no tax I intend introducing proposals to deal with that situation in so far as I can. There may be reasons for paying no tax in cases of recurring losses, capital allowances or profit not being made. Others are using tax relief schemes in ways I did not envisage and I intend to introduce proposals on this matter. If one considers the number of people working and the number of people exempt from tax, working people have more money in their pockets as a result of our tax policies than was the case when the Labour Party was in office. The final nail in the coffin of Deputy Burton’s argument is that of the 19 percentage points reducing taxes, only one occurred during a Labour Party administration.

**Fiscal Policy.**

103. Mr. Boyle asked the Minister for Finance the measures he has taken since taking office to protect vulnerable borrowers and the economy more generally from excessive levels of indebtedness; and if he will make a statement on the matter. [33306/05]
Mr. Cowen: The role of Government on credit growth and associated indebtedness has a number of distinct dimensions. First, it is important to note that, as far as overall economic and financial stability are concerned, the relevant measure of credit encompasses both public and private sector credit and debt levels. The Minister for Finance has a key role in this regard in ensuring prudent management of the budget and overall sustainability in the public finances. In this context, Ireland’s fiscal performance is among the best in the developed world with Government indebtedness the second lowest in the euro area.

Responsible budgetary policy has made a significant contribution to economic performance overall, to the maintenance of low unemployment and to the achievement of record employment levels.

Similarly, the growth of private sector credit and indebtedness needs to be assessed in an appropriate context. In evaluating the financial position of the private sector, it is too narrow an approach to consider the level of indebtedness in isolation from the asset side of the private sector’s balance sheet. A high proportion of household indebtedness in Ireland relates to borrowing for house purchases which, in turn, creates an asset for the households. In the same way, borrowing by the business sector underpins high investment levels and the creation of business assets yielding future income.

Account must also be taken of private sector savings levels. The Government has been actively promoting saving by individuals in the recent past, notably through the SSIA scheme. Comparatively high household savings rates by international standards in Ireland support the sustainability of household debt overall.

As far as looking after the interests of the individual borrower and the individual investor is concerned, the function of Government is to provide an appropriate legislative framework for regulation of the financial services sector, one that is both comprehensive and robust. I am satisfied that on foot of the progress made in recent years, especially in establishing the financial regulator with a particular focus on the interests of the consumer, we have such a framework in place.

Within the implementation of the overall legislative framework, private sector credit growth and debt levels are, in the first instance, a matter for the Central Bank and Financial Services Authority of Ireland. This follows from its role as part of the European system of central banks and its functions, as the financial regulator, concerning the prudential supervision of financial institutions and the protection of the consumers of those firms.

Mr. Boyle: I regret the Minister has not taken the opportunity of referring to the most recent Central Bank report, nor has he expressed his personal concern as to whether he thinks debt levels of 160% of average incomes represent a sustainable level of personal credit. The fact that this situation has been flagged in several recent reports by the Central Bank demands a political response from the Minister. His reply highlighted that the national debt has been stabilised, but that has largely been achieved through economic growth and the efficient management of that debt. The State still owes €33 billion. Other factors must also be taken into account, including a recent OECD report that inflation is undervalued by 1% because of high price inflation. Property values here are probably overvalued by between 5% and 7% and, therefore, they hardly provide the asset-backed measures to which the Minister referred in his reply.

The debate is not about whether the European Central Bank is likely to raise the base interest rate, but by how much, 0.5% or 1%. In the coming year, the 160% level of personal debt is likely to rise substantially through default. The Minister seems to be devoid of responses as to what he intends to do politically to avoid this risk being experienced by individual citizens. It seems to be a transference of a national debt that the State owes to a large-scale personal debt for each citizen. What policies are being put in place to counteract that?

Mr. Cowen: The Central Bank’s recently published Financial Stability Report concludes that a range of fundamental factors, such as growing employment and incomes, falling inflation and low interest rates, have supported the pattern of mortgage growth and associated debt levels in the economy. The report, however, emphasises the importance of responsible behaviour by both borrowers and lenders to factor into their financial decision-making the prospective impact of potential changes in any future economic environment. I share the Central Bank’s assessment of the importance of maintaining financial and economic stability. In that regard, I intend to continue a responsible approach to maintaining stability in our public finances, which will ensure that the strategic direction of our economy will focus on sustainable real improvements in public services, social provision and infrastructure.

It is important that individual borrowers act sensibly. I agree with the Central Bank which recently reiterated the importance of prudent behaviour by borrowers and lenders. The possibility that interest rates may rise in the medium term, with obvious implications for the burden of repayments, should be kept firmly in mind. In so far as the banking sector is concerned, the Central Bank in its recent financial stability review concluded that the Irish banking system is in a good state of health and is reasonably well placed.
to cope with any adverse short or medium-term developments.

The functionality of credit growth relates to demographics, including employment and population growth. For example, our population includes 1.3 million people aged from 15 to 34. On the supply side, we see mortgage growth being met by an expanded capacity in the construction sector of over 7,000 houses this year. The decrease in house price inflation is occurring because supply and demand are coming back into sync.

People are borrowing more, but one must also examine the savings ratio which is high in Ireland. In addition, it is a function of the domestic demand in a growing economy to meet construction requirements. Those factors are all part of the dynamics of the economy. At individual level, borrowers and lenders must act sensibly, which is what they are doing. It is in the interests of banks and building societies to have good mortgage books. Nationally, we have a low debt to GDP ratio and we are in a responsible, stable position. We could have a recession with no growth in credit, but that would not be a good thing. Therefore, one must see the situation in the context of where demand is coming from, while recognising that people need to be sensible in exercising judgments. In a competitive market economy, however, people make these decisions based on a variety of products from which to choose.

Mr. Boyle: When our national debt was 120% of GDP, Ireland was seen as the economic basket-case of Europe. Is the Minister concerned that a current 160% debt rate on average income levels is unsustainable and dangerous? Some signals are needed from the Government on how this situation should be controlled.

Mr. Cowen: I have indicated to the Deputy that prudential issues in the market situation in which we find ourselves are a matter for individuals, banks and other financial institutions. Having examined the full economic picture, the Central Bank made the point that the Irish banking system is in a stable, sound position for the reasons I cited — demographics, income capacity and the supply side in terms of the construction sector. It is a function of demand in the economy and low interest rates constitute an important factor. When we came into office, the band was between 7.1% and 8.8%, while currently it is between 3.25% and 3.6%.

Decentralisation Programme.

104. Mr. P. McGrath asked the Minister for Finance if he has carried out an assessment of the cost of decentralisation and obtained the requisite inputs from the individual Departments and agencies which have line responsibility to accurately assess the financial and service impact.

Mr. Cowen: When the Government’s decentralisation programme was first announced, it was stated that the overall objective would be to ensure that property acquired at regional level would be matched as closely as possible, both in time and in cost terms, by the disposal of property currently held in the Dublin region, whether held on lease or otherwise. In November 2004, the decentralisation implementation group prepared a report on the procurement methodology and financial assessment of the property aspects of the programme, including a financial model, based on a property finance study carried out by the Office of Public Works. While the prevailing property market conditions in each area will have a bearing on cost, this model indicates that the break-even position in property will be reached in about 20 years.

In terms of actual outlay to date, the total amount committed in principle by the OPW on site acquisition costs, excluding VAT, is approximately €35.7 million. Expenditure to date this year is €9.9 million.

As regards non-property costs, the decentralisation programme is being implemented on a voluntary basis. There will be no redundancies and, as on previous occasions, the payment of removal or relocation expenses will not arise.

A study was commissioned by the decentralisation implementation group which provides a model for identifying non-property costs and savings that arise both during the relocation phase and in the context of a post-decentralised Civil Service. Decentralising organisations have been asked to use this model to make periodic reports identifying non-property costs incurred and savings made both since the programme was announced and in its implementation in the future.

Good progress continues to be made on this ambitious programme and I look forward to seeing the fruits of this as the programme is rolled out over the next few years.

Mr. P. McGrath: The Minister’s early mover costs are running in the region of €47 million for sites alone. Taking the projected number of early movers it will cost approximately €12,000 per person per site. Is that not a major expense to move people from Dublin to provincial locations? Projecting that further, on the basis of the costs provided by the Minister of State and the final cost, it will cost approximately €90,000 per person to relocate people from Dublin to a provincial setting. Is that not a significant cost?

3 o’clock
[Mr. P. McGrath.]

The Minister referred to the disposal of property held in the city. To date no property has been disposed of in respect of decentralisation. Will the Minister explain why? How does he reconcile the expenditure of €47 million on purchasing sites when only one in six of the early movers is anxious to move to those locations? How can he proceed to purchase property and bring developers on site to start building offices that will cost approximately €90,000 per person when only one in six of those people has indicated he or she is prepared to move there?

The Minister has not responded to the nub of the question, namely, how much Departments have estimated it will cost them to decentralise. No table has been produced with that information, yet IMPACT has recently asked that the Minister produce those costings on a departmental basis. Why has he not done so?

Mr. Cowen: I do not know from where the Deputy plucked his costs. If I had the details of his assumptions, I could give him a detailed answer.

Mr. P. McGrath: I am quoting what the Minister of State told the Oireachtas Joint Committee on Finance and the Public Service.

Mr. Cowen: There is no point in the Deputy doing the usual stunt in respect of a question on decentralisation. The implementation group, which knows much more about this process than anyone in this House, provided a financial model which confirms that the payback in respect of relocation can be done on a property basis over 20 years. I presume the Deputy is trying to extrapolate. He can just throw out a figure which the media will cover and we will all have to take as gospel.

Mr. P. McGrath: The figures came from the Minister’s Department.

Mr. Cowen: When all aspects are taken into account the implementation group’s financial model indicates how it works out. In respect of the Deputy’s one in six figure, 138 posts are due to relocate to my town, Tullamore, and 57 of those people have indicated they want to decentralise there from the relevant Department. That is not one in six. A further 33 have accepted offers of posts in Tullamore and arrangements are being made for them to transfer to the Department of Finance in the next few months.

I am aware from media reports of the Deputy’s claim regarding IMPACT but not of the assumptions underpinning the claim that it would cost €65 million a year to retain specialist staff who do not wish to relocate under the decentralisation programme. Therefore I cannot comment on that or the Deputy’s claim.

Duplication of staff in Dublin and the new locations is not planned. The Government has always recognised that in addition to the personnel who have applied to decentralise there is another group of equally dedicated civil and public servants who, for a range of personal or other reasons, are not in a position to relocate from Dublin. At the time of the announcement of the programme the Government made it clear that all those wishing to remain in Dublin would be offered alternative public service jobs. Arrangements will be put in place to allow staff whose jobs are being decentralised and who opt not to move out of Dublin to be assigned to other jobs in the city. That is being discussed with the trade unions concerned.

Mr. P. McGrath: The Minister has failed to answer my question about the various Departments and he questions some of the figures I cited. I refer him to a question answered yesterday by the Minister of State, who is seated beside him, in which he said: “The cost of acquiring sites-properties for the early moving Departments is estimated to be in the region of €47 million, excluding VAT”. I did not pluck the figure out of the air. It was given to my colleague yesterday and is either right or wrong. If it is right, what the Minister has said today is not correct. He cannot have it both ways. He either knows the figure or not.

The total number of early movers is estimated at 4,000. If the Minister does a quick sum, he will find that I am very accurate. If he takes the figure the Minister of State gave to the Committee on Finance and the Public Service, that the overall costs run up to approximately €900 million, he will see that I am not far wrong on that extrapolation.

The Minister mentioned some areas where there are people who want to move. There are 21 early movers, 12 of which have on average fewer than 15% of people who want to move. That is where I get my one in six figure, which is a reasonable assumption.

Mr. Cowen: I will extrapolate the figures back for the Deputy to avoid confusion. I have explained the amount committed in principle on site acquisition to date, namely €35.7 million. I do not say that does not correspond to the Deputy’s figure in respect of how it will be spent. On the other side of the balance sheet, however, after all the Deputy’s extrapolation, is the amount of money the State gets back for those offices vacated in Dublin.

Mr. P. McGrath: That is nil.
Mr. Cowen: In his desire to give an accurate account of what it costs to move people the Deputy decided to divide a figure he knows by the number of early movers. It does not, however, cost that sum because we will dispose of the other buildings and money will come in for them. We hear a great deal from the financial spokesman in the Deputy’s party about the need for models and giving credence to models. There is a model in place to which the Deputy does not refer as he puts these high figures into the public domain. The model confirms that within 20 years, this programme will pay for itself in terms of its property acquisition and release aspects. When one moves people from one Department to another, offices become vacant and have a value.

Mr. P. McGrath: We can only guess at those. There is no word of where or what those buildings are.

Mr. Cowen: The Deputy is purposely not factoring them in because he wants to give a sensational figure to the media.

Mr. P. McGrath: If we do not know what they are, how can we factor them in? Does the Minister know what they are?

Tax Code.

105. Caoimhghín Ó Caoláin asked the Minister for Finance the tax measures in place regarding child care, including reliefs and exemptions for development of facilities; the changes he proposes to make in these provisions; and if he will make a statement on the matter. [33541/05]

Mr. Cowen: The tax measures in place for child care are capital allowances on child care facilities, an exemption from a benefit-in-kind charge where employers provide free or subsidised child care facilities for their employees and the home carer tax credit. Child benefit is also exempt from income tax. There is a need to examine pragmatically and practically what can be done to provide child care support to parents. However, it is the long-standing practice of Ministers for Finance not to comment on what may be contained in upcoming budgets. Any changes to these or any other tax provisions will be considered in the context of the budget and Finance Bill.

Caoimhghín Ó Caoláin: Does the Minister agree with the widely held view that tax reliefs and concessions are not the best way to address child care needs? Does he agree that moneys that might be spent by the State in this area in future would be better directed at the provision of universal early childhood care and education access for all three and four year olds? Does he further agree that the extension of paid maternity leave from 18 to 26 weeks would better provide for the needs of mother and child than tax reliefs? Does he agree that tax reliefs have disproportionately benefited high earners?

In his response the Minister referred to the capital allowance for the construction of child care facilities. Is the Minister reconsidering that relief in the context of the review?

Does he accept that very often, though not in all cases, this allowance amounts to a subsidy for those involved in the construction industry, for developers and property speculators and does not impact in a real way with regard to child care provision?

Does the Minister agree that State money would be better spent on direct support for child care facilities for child care workers and for families with children?

Mr. Cowen: I appreciate the Deputy asking specific questions, but these matters are under consideration in the context of the upcoming budget. One is much constrained by that.

The issue is how we increase options for people and ensure a greater supply of child care places. If we do not look at the supply side of the equation, any efforts on the other side will not have the impact one would like to see. It is a question of how this can be achieved in a way that will allow us begin to add to the significant resources already made available by Government.

In the past we gave a significant increase in child benefit, which was a universal payment to all parents. The sum in that area comes to €1.9 billion this year. Including the equal opportunities programme and other benefits and programmes, the total spend that can be allocated to this area now, apart from anything else the Government might do, is about €2.3 billion.

Caoimhghín Ó Caoláin: I thank the Minister for his reply and I concur that the supply side is now the area of most critical importance. We are talking of quality, accessible child care. I appreciate that the Minister cannot elaborate on whether the capital allowance relief will be addressed in the Government’s forthcoming package of child care measures, because I presume that is part of what he intends announcing in the budget measures.

However, if it were the case that the Minister were not proposing to change this relief, accepting that the Minister will probably take a number of actions, would he consider attaching conditions, specifically putting a time limit on the capital allowance relief?

Mr. Cowen: I am not sure what the Deputy means regarding a time limit for the capital allowance. In 1999, a scheme of capital allowances was introduced in respect of qualifying capital expenditure incurred in the construction, refurbishment or extension of a building or part of a building.
used as a child care facility, where the requirements of the child care pre-school regulations 1996 have been met. An expenditure on any part of a building in use as a dwelling house or part of a dwelling house does not qualify. The allowances apply in respect of expenditure incurred on or after 2 December 1998 and provide for a seven-year write-off period at a rate of 15% in the first six years and 10% in the seventh year. However, budget 2000 provided for accelerated capital allowances at a rate of 100% in one year for both owner-operators and lessors-investors of such facilities with regard to qualifying expenditure incurred on or after 1 December 1999.

With regard to timing options, an owner-operator can opt to increase the 15% allowance for any year up to a maximum of 100% of the qualifying expenditure, which is termed “free depreciation”. A lessor or investor can opt to claim the full 100% in the first year only, and unlike the owner-operator, lessors have no choice regarding the percentage of allowances drawn down each year. The full 100% is claimed in year one with any excess carried forward. An owner-operator can set off the capital allowances against taxable income from all sources including PAYE income. This means that owner-operators can opt to draw down as much of the capital allowances, up to 100% in each year, as is necessary, to shelter their income from other sources. On the other hand the investor can offset the 100% initial allowances against rental income from all sources and not just the rental income received from the child care facility operators in year one. If there is insufficient rental income in that year, the maximum an investor can offset against non-rental income is €31,750. The balance of unused capital allowances can only be set off against rental income in the following years.

Capital allowance for child care facilities is one of the many reliefs under detailed review by the Revenue Commissioners. The final report by the consultants has been received and will be taken into consideration in the 2006 budget and finance Bill.

**Other Questions.**

**Official Engagements.**

106. Mr. Gogarty asked the Minister for Finance if he will report on the 8 November 2005 ECOFIN meeting; and if he will make a statement on the matter. [32942/05]

Mr. Cowen: I attended the ECOFIN Council meeting in Brussels on 8 November 2005. This meeting was attended by Ministers of Finance of all 25 EU member states and of Bulgaria and Romania.

The Council held a debate on Council conclusions on means of establishing an improved control framework for the EU budget on the basis of work carried out by a group of member state experts convened by the Commission and co-chaired by the Presidency. Council adopted Presidency conclusions on the Commission’s proposal for a roadmap to an integrated internal control framework for the EU budget, setting out proposals for the harmonisation of principles of controls and for the simplification of legislation.

The Council adopted conclusions on the introduction of a common EU methodology to measure administrative burdens, which burdens are the costs imposed by legal obligations to provide information. The introduction of this initiative will assist the EU Commission in measuring the costs imposed by EU legislation and will complement other initiatives taken in the area of better regulation, such as the screening of regulatory proposals, the simplification of existing legislation and impact assessments.

With regard to EU statistical governance, the Council adopted conclusions, including measures to be taken in order to improve the quality of statistical data to be used in the assessment of member states’ budgetary situations. These conclusions support the creation of a new high-level advisory body to enhance EUROSTAT independence and governance. Ireland’s National Statistics Board has worked well in a similar role vis-à-vis the Central Statistics Office. I welcome the ongoing review of EU statistical priorities. In a rapidly changing world, it is vital to make sure that the information produced by statisticians matches the information needed by policy makers.

The Council adopted the decision under Article 104(8) of the treaty, which points to Hungary’s failure to correct its excessive deficit below the reference value of 3% of GDP by 2008. The Council will closely monitor Hungary’s progress in dealing with this issue on the basis of reports from the Commission.

The UK Presidency presented a report to Council on progress on proposals aimed at simplifying cross-border business obligations relating to value-added tax, and on future handling of the dossier by the UK and Austrian presidencies. The proposals are intended to ease VAT compliance for businesses. The proposals consist of a draft directive amending a previous directive with a view to simplifying VAT obligations, a draft directive laying down detailed rules for the refund of VAT to businesses in member states where it has no base, and a draft regulation amending a previous regulation as regards administrative co-operation under the “one-stop” scheme and the refund procedure for VAT. The Council noted the progress made and also the
need for further work on the dossier during the UK Presidency and the forthcoming Austrian Presidency.

Additional information not given on the floor of the House.

Council discussed the main issues to be resolved in order that agreement be reached before the end of the year on modifications to EU rules regarding reduced rates of value-added tax applied by the member states. Council agreed to return to this in December. While Ireland is prepared to contribute to further work in the area, we will continue to protect our zero and reduced rated items. The structure of VAT rates is a sensitive political issue for certain member states who can face costly consequences from pressures to reduce particular rates of VAT.

The Commission presented three papers on cross-border mergers and acquisitions in the financial services sector: a communication on “intra-EU investment in the financial services sector”, a working document on cross-border consolidation and a working paper on review of article 16 of directive 2000/12/EC. Presidency conclusions were agreed supporting the continuation of the Commission’s work in reviewing the obstacles to cross-border consolidation in the financial services sector and the issue will be further discussed at future ECOFINS.

Council was briefed on the financial consequences of the reform of the EU’s common market organisation in the sugar sector that has been proposed by the Commission. The issue of funding for the action plan to aid African, Caribbean and Pacific countries and the restructuring package for member states was discussed in this context. There were no conclusions.

The annual meeting between members of ECOFIN and members of the European free trade area took place at lunch time. The topic for discussion at this year’s lunch was employment and growth in the context of globalisation.

Mr. Boyle: I thank the Minister for his reply and welcome him back to the House. The detail in the answer makes a welcome change to the previous lack of openness that accompanied ECOFIN meetings.

Will the Minister say what position he adopted at yesterday’s meetings in regard to a number of agenda items? He mentioned the discussion on the new VAT directive. This was on foot of a decision made in 2002, when nine of the then 15 countries decided to adopt the lower rate of VAT for labour-intensive industries, and Ireland chose not to. The Minister might say why that was, and whether Ireland is still of the same opinion.

It was also reported before the ECOFIN meeting that Commissioner McCreevy was meant to be in attendance to outline obstacles which he says exist with regard to difficulties in banks being able to merge. Does the Minister agree with the Commissioner or does he think measures need to be taken to protect the very limited Irish input which exists in the ownership of financial institutions? How would they be affected by any new proposals coming from the Mr. McCreevy’s office? With regard to reports issued before the meeting on the possibility that a number of countries would use the enhanced co-operation mechanism for a shared approach to corporation tax, was that discussed at the meeting and does the Minister share the reluctance of most parties in this House to go down that road in a collective European Union sense?

Mr. Cowen: We have economic and tax models which have ensured our unemployment rate stands at half the EU average and our growth rate is more than 2.5 times the euro zone average. These models include low taxes on employment and enterprise and different indirect taxation levels. It is a question of how a tax system is structured.

The one-stop scheme idea concerns business consumer and Internet type businesses and the operation of a VAT regime in which businesses do not have to register for VAT in respect of each country in which they trade. Common rules are being devised which would enable such a system to work more efficiently and the benefits of this proposal may be seen for people operating such businesses in Ireland.

Discussions took place to reach agreement before the end of the year on modifications to EU rules on the reduced rates of VAT applied by member states. The Council agreed to return to this issue in December. We are prepared to contribute further to work on the area and will continue to protect our zero and reduced rate items. When this dossier came before us in the past, efforts were made to reach compromise based on losing a zero VAT rate, of which we are not in favour. The compromise proposal that has emerged under the UK Presidency seems to protect our position in that regard and, therefore, our disposition towards it has changed. We are now prepared to work further to determine whether a consensus may be built around the proposal.

On the financial services issue and cross-border consolidation in the EU financial sector, the Commissioner, Mr. McCreery, was present for that part of the meeting and outlined the Commission’s position. Three papers were presented on cross-border mergers and acquisitions in the financial services sector, namely, a communication on intra-EU investment in the financial services sector, a working document on cross-border consolidation and a working paper on the review of Article 16 of EU Directive 2000/12/EC. Presidency conclusions were agreed with regard to supporting the continuation of the Commission’s work on reviewing the obstacles to
cross-border consolidation in the financial services sector and the issue will be further discussed at future ECOFIN meetings.

I believe in ensuring that an internal market on financial services will be of benefit to us. The more the Single Market integrates, the greater the experience for Ireland. The financial services industry in Ireland will function more effectively if obstacles do not get in the way of cross-border mergers and acquisitions. Ireland has experienced six takeovers of banks by international players such as Skanska, Rabo and Bank of Scotland. This results in increased competition, improved products and better deals for consumers, and the more we are open to it, the better. While we all share the desire to see that the headquarters of major Irish banks are retained in Ireland, we must ensure that Ireland continues to have a strong banking system. Competition has had a positive impact and an internal market in financial services is in the interest of this country.

Ms Burton: During the course of the ECOFIN meeting, did Ministers have opportunities to discuss, formally or otherwise, the prospect of rising interest rates in Europe and, in particular, the problem that such a situation poses for economies such as Ireland’s, where there are high levels of personal indebtedness and mortgage debt? A 1% interest rate increase over the next year will have disastrous implications for the personal budgets of many young families, for example, in the case of couples with 100% mortgages costing €600,000.

Mr. Cowen: Interest rate policy is exclusively a matter for the Governor of the European Central Bank. I do not speculate on such issues, for obvious reasons.

The European economy is experiencing a slight recovery, with a possible 1.2% growth this year. While that figure varies significantly from our experience, it is to be expected of the euro area. Unless evidence is found of second round effects with regard to recent oil prices, that recovery will hopefully be taken into account when the central bank considers this issue. I do not want to say anything that might suggest there will be any change to the current situation of extreme vigilance by the Governor of the ECB.

Ms Burton: During the course of the ECOFIN meeting, did Ministers formally or informally discuss the prospect of rising interest rates?

Mr. Cowen: I do not know what informal discussions may have taken place among others but I did not discuss the matter with anyone at ECOFIN. As the Deputy is aware, the proceedings of the euro group meeting, which took place the preceding night, is confidential.
where claims are necessary, take the required action. Revenue makes every effort possible to inform taxpayers of their entitlements and, where additional tax credits are claimed, the necessary adjustments in the taxpayer's affairs are speedily made.

Some reliefs need not be claimed as they are given at source, for example, pension contributions, permanent health insurance, medical insurance and mortgage interest. Others need only be claimed once as they will remain constant in the taxpayer’s profile over the year, for example, basic tax credits, PAYE credit and trade union subscriptions. In this instance, once claimed, the reliefs are automatically carried forward from year to year. The only reliefs that need to be claimed on an ongoing basis are those that are expenditure related, such as medical expenses relief. Such claims give rise to the greater part of repayments of tax since the relief cannot be quantified until after the end of the year.

Revenue is already very proactive in the manner in which it ensures that PAYE taxpayers are made aware of their entitlements and facilitated in claiming these. Revenue keeps this issue under constant review and takes whatever steps are necessary with regard to public information campaigns to continue to inform taxpayers of their entitlements and to simplify, as far as possible, the arrangements for making these claims. The upcoming bulk issue of more than €2.2 million in tax credit certificates for 2006 will be the focus of an information campaign, as will the roll-out of the PAYE on-line system in early 2006. I emphasise, however, that the primary responsibility for ensuring that Revenue has the most up-to-date information on a taxpayer’s affairs lies with the taxpayer.

**Mr. Bruton:** I thank the Minister for his reply. His figures suggest that one in five people obtain a tax review and, on average, receive a €750 refund. While I do not suggest that the remaining four out of five would receive a similar refund, has the Minister looked hard at the take-up on various reliefs where there is likely to be under-claiming?

I have conducted a calculation exercise, without the resources available to the Minister, on the back of an envelope, so to speak. I estimate that on DIRT, approximately 5% of the refund is taken up, that is, only 5% of those eligible for a refund obtain one. These are mostly elderly people with deposit accounts. On bin charges, according to figures from the Department of Finance, approximately 15% of the relief is taken up. On medical expenses, using Central Statistics Office data on how much people spend on medical care, the take-up is approximately 20%. On rent, the take-up is around 40%. The take-up of relief rises for home carers, where the figure is approximately 75%. In this context, at least €350 million per annum of taxpayers’ money is not getting back to them.

I accept that the Revenue Commissioners produce information leaflets but will the Minister charge Revenue with completing a statistical exercise to estimate how much tax relief is being taken up and how much is not? Let us obtain some hard data in this area. I believe the figures I have come up with are not very far wide of the mark and if that is the case, then over a four-year period where a look-back is possible, we are talking about €1.2 billion to €1.5 billion of taxpayers’ money that is not being returned to them.

Everyone wants to see a fair tax code where people who are well off pay their way. The other side of that coin is that we want to see those who deserve it getting their money back. Will the Minister take more of an interest in returning this money to taxpayers instead of simply reciting the fact that the Revenue Commissioners do certain things and the obligation is on the taxpayer? Let us do something to return the money to where it belongs.

**Mr. Cowen:** I cannot comment on the Deputy’s specific points. If he forwards his data to me, I can give him a considered reply. This is an issue that is ongoing and I accept the Deputy’s general argument. I can consider his suggestion when he forwards his information which I will ask Revenue to examine.

**Ms Burton:** What is the current situation in the Department and the Revenue Commissioners with regard to refunds for taxpayers in the building industry? The Comptroller and Auditor General made a detailed comment on this matter. It has also been the subject of a number of reports of ongoing fraud cases, including one involving 294 contractors and another involving 22 taxpayers in the building industry. The Comptroller and Auditor General has indicated that this is a significant area of fraud. What has the Minister done to address this issue?

**Mr. Cowen:** The Revenue Commissioners are following up these matters and I can get a detailed response from them as to what they are doing to try to deal with the query raised by the Comptroller and Auditor General.

**Ms Burton:** Is it true that the refunds have been suspended?

**Mr. Cowen:** I cannot confirm or deny that at present.

**Mr. Bruton:** I have assembled the information to which I referred to earlier and can forward it to the Minister. What I have calculated is based on CSO estimates of how much is spent on out-of-pocket medical expenses and on what we know
of bin charges through the local authorities. It is also based on what we know of the number of people who claim DIRT refunds. Only 1,000 people claimed DIRT refunds while there are 36,000 people on the small income exemption limit. Clearly, there is under-claiming. I do not have a monopoly in this area. I can forward my data to the Minister, but they are back-of-an-envelope in nature.

Mr. Cowen: I understand that.

Mr. Bruton: I ask the Minister to undertake a study, to ask Revenue to look hard at this issue and come back with some hard data. I will send my guesswork to the Minister.

Mr. Cowen: I take the Deputy’s point on board. I will have the issue checked out in more detail.

Archaeological Sites.

108. Mr. McGinley asked the Minister for Finance his plans to develop and refurbish facilities at Doe Castle, County Donegal; and if he will make a statement on the matter. [33093/05]

Minister of State at the Department of Finance (Mr. Parlon): There are no plans to undertake any major conservation work at Doe Castle, County Donegal. A comprehensive programme of conservation work was undertaken at the castle during the period 1996 to 2001. This involved a major restoration of the medieval tower house to provide a suitable indoor location on the site for the important MacSweeney grave slab. All works carried out in the intervening period have been of a routine, maintenance nature.

Mr. McGinley: I thank the Minister of State for his reply but am disappointed with his negative response. I do not know how familiar he is with Irish history but Doe Castle has been associated with many major events over the past 400 or 500 years. It was built in the early 1500s. Red Hugh O’Donnell, who was one of the most important people to come from Donegal and was known as the fighting prince of Donegal, was fostered there. When the Spanish Armada was wrecked in 1588, survivors of the disaster found shelter and protection in Doe Castle. Owen Roe O’Neill, on his return from Spain in 1641, landed at Doe Castle and began his conquest of Ulster from there. When one takes all of these things into consideration, the castle is probably the most historic building surviving in Donegal, if not in Ireland. There is one major investment required, to re-roof the great hall.

Doe Castle is already a great tourist attraction. Approximately 5,000 people per month visit the castle, the seat of the MacSweeney family, during the summer season. If the castle were re-roofed, there would be a triangle of attractions in the area, namely Doe Castle itself, the Glenveagh Estate, in which the State has invested heavily and which attracts 100,000 visitors per annum, and the Glebe Gallery, bequeathed by Derek Hill. If the main hall of the castle were re-roofed, it would generate enough finances to make the castle self-sufficient.

I urge the Minister of State to have a sympathetic look at this project. In two year’s time we will commemorate the Flight of the Earls. The year 2007 is the fourth centenary of that event. The earls did not leave Doe Castle but the nearby village of Rathmullan and while the main celebrations will be in Rathmullan in 2007, there is no reason we should not have a banquet to mark the departure of the earls in Doe Castle. That can only be done, however, if the great hall is re-roofed. I urge the Minister of State and the Minister to provide funding of €200,000 to complete the job. I would then welcome them both to the official opening, even if nobody else in the House would do so.

Mr. Cowen: Is the Deputy not going to ask me to do a detailed cost-benefit analysis?

Mr. P. McGrath: He has done one already.

Mr. Cowen: The cost of the analysis would be €200,000.

Mr. Parlon: Deputy Paul McGrath could do some extrapolations too.

Mr. P. McGrath: The Minister of State, Deputy Parlon, should agree to this before he leaves the Office of Public Works.

Mr. Parlon: I agree with Deputy McGinley that Doe Castle has a fine history. The castle has been vacant since 1890. The Land Commission took it over in 1932 and the Office of Public Works took charge of it in July 1934. The national monuments section of the OPW undertook an extensive programme of conservation work on the site, including a major restoration of the medieval tower house which is the primary structure associated with the castle, and the conservation of the MacSweeney grave slab. This programme of work was completed in 2001. The medieval tower was roofed with Irish oak and stone slates. Oak floors were fitted along with an oak staircase which provides access to the upper levels of the castle. A key holder allows visitors to access the castle.

Deputy McGinley referred to the fact that Doe Castle receives 5,000 visitors per month, although I am not sure if his figures are correct. Donegal Castle has approximately 50,000 visitors per annum and Glenveagh is also a major tourist
attraction in the area. There is no further funding available under the National Development Plan 2000-2006. If the provision of further facilities are to be considered, it would be a matter for the successor of the NDP and the Minister for the Environment, Heritage and Local Government. I am sure the Deputy will make a case to him in that regard.

Mr. McGinley: I will. Unless the castle is reroofed, it will crumble. When we eventually get around to carrying out the major work of reroofing the great hall, it will have deteriorated and will cost much more. In other words, a stitch in time saves nine.

Mr. Cowen: Having stood for so long, suspicions of its imminent demise might be a little exaggerated.

Departmental Appointments.

109. Dr. Twomey asked the Minister for Finance the number and proportion of appointments made by the Top Level Appointments Committee in the past five years of persons outside the public service; the number of persons outside the Department where a vacancy occurred.

Mr. Cowen: The Deputy will be aware that the Top Level Appointments Committee, TLAC, recommends candidates to Government for the most senior appointments in the Civil Service. Subject to certain exceptions, TLAC deals with all posts at or above assistant secretary level or equivalent across the Civil Service. The Government is the appointing authority for posts at secretary general level and the TLAC recommends up to three candidates, if found suitable, for posts at this level. The Government appoints the secretary general from among the recommended candidates. In the case of posts below secretary general level, for example, assistant secretary posts, the appropriate Minister is the appointing authority and one candidate is recommended by TLAC to the Minister for appointment.

Some 70 TLAC competitions were run over the past five years, 14 of which were at secretary general level and 56 were at assistant secretary level and equivalent. No post was filled by a person from outside the Civil Service in the past five years, even though two posts were filled by open competition rather than by competition among eligible officers across the Civil Service. Some 13 posts, including four at secretary general level, were filled by people from outside the Department where the vacancy occurred.

Mr. Bruton: I thank the Minister for his reply. I note that recently the Secretary General of the Taoiseach’s Department indicated that there was a need to bring in more expertise into the senior levels of the public service. Against that background, the Minister revealed that out of 70 competitions, just two were open competitions, neither of which produced anyone from outside the Civil Service. Does the Minister think there is a need to change the practice of recruitment so that more outsiders will begin to come into positions in the public service? Surely it is long past the time when we rely exclusively on home grown talent to come up through the ranks. If there is expertise and talent outside, the public service should avail of it. I recognise that the morale of people who wish to apply for these posts is at stake and everyone should have a fair chance, but zero out of 70 posts is an extraordinarily low and unacceptable percentage.

Does the Minister believe there needs to be more progress in opening up competition generally. Even 13 of the 70 coming from outside the sponsoring Department is an unacceptably low figure. We ought to have professionalisation of the Civil Service where skills in financial management or human resource management can be transferred between Departments. This silo approach to Departments is not acceptable. Will the Minister take up the suggestion of the Secretary General of the Taoiseach’s Department and initiate a serious programme of reform in this area so that we will begin to see new talent in crucial areas? Clearly project management skills within the public service are seriously depleted relative to the task that must be addressed.

Mr. Cowen: I recently said that there is a need to open up opportunities from the private sector to the public sector in many specialised and technical areas. There is also provision in the social partnership programme for open competition in these areas. In fairness, there is much churning within Departments. By the time people get to assistant secretary level, they may have served in two or three other Departments. They may have come in at principal officer level to that Department, therefore, the Deputy is not getting the full story in the reply.

Making positions available for open competition is a matter for TLAC. The senior civil servant referred to, who is a senior member of TLAC, indicated that the body is open to considering, consistent with the maintenance of morale and the expertise available within the service, how there might be some cross-fertilisation with the private sector. Contracting out to the private sector should be engaged in to a much greater extent. Exchange programmes should be taking place in technical areas as well as in the wider policy formulation, administrative and commercial areas. Civil servants who have come back into the system following a degree of knowledge and practice in the commercial world would have more experience.
[Mr. Cowen.]

This is an area in which we must be creative and innovative, consistent with acknowledging and giving opportunities to those in the system who are providing a good service and who would be suitable for senior positions.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cooper-Flynn — to discuss the announcement by the Minister in connection with the western rail corridor; (2) Deputy Wall — to ask the Minister if his attention has been drawn to the problems facing the employees of companies (details supplied) in County Kildare; (3) Deputy Healy — the need for the Minister to designate south Tipperary and the south-east region category one status under the European Union regional aid for 2007-13; (4) Deputy McHugh — the plans to sell Health Service Executive lands at Tuam, Ballinasloe and Portumna, County Galway; (5) Deputy Breeda Moynihan-Cronin — the reason for the reduction of 100,000 home help hours in County Kerry between 2002 and 2004; (6) Deputy Keaveney — that the Minister discuss the reason for the reduction of 100,000 home help hours in County Kerry between 2002 and 2004; (7) Deputy Costello — the decision to hold an inquiry into clerical sex abuse in the archdiocese of Dublin, the Taoiseach described child sexual abuse as abhorrent. I make that point because so far in the debate there has been a little bit of church-bashing. I believe we should remain focused. I made the point this morning that many churchmen throughout the State who are still doing their job deserve our support.

However, I support fully those who have been abused and hurt. It is important to help and seek out people who have not yet sought redress. In that regard, like other colleagues, I received correspondence in recent days from the Irish Society for the Prevention of Cruelty to Children. The document is entitled Another Brick From the Wall, which seeks the introduction of mandatory reporting of child abuse and neglect in Ireland. It is important for all of us to take account of that document. We should support those who look after children. As I said this morning, the children of the nation deserve our strong support. Many vile acts were unaccounted for over a long period. Much of what we are discussing happened during other decades but it is important to ensure that nothing we would be ashamed of in the future is going on behind closed doors today. I would hate to look back in a number of years and discover the abuse was still taking place.

It is important to have this debate and I welcome the opportunity to contribute to it.

Ms Enright: The recent publication of the report of the Ferns Inquiry brought to an end the work of Mr. Justice Francis Murphy, Dr. Helen Buckley and Dr. Laraine Joyce. This inquiry has brought to light a litany of child sexual abuse, failure on the part of the church authorities and inaction from the State.

Reading the report was sickening, disgusting and often horrifying, and that was before one concentrated one’s mind on the fact that it happened in this country in relatively recent times and that the victims were disbelieved, afraid to tell what happened because of the power the abuser held over them or just too terrified to speak out. Those who did speak out were clearly often ignored or, in some instances, treated as if it was they who were in the wrong. What happened caused deep rifts and divisions in communities and, sadly, in families.

The Ferns Inquiry has confirmed that the response of the church to incidences of child sexual abuse was appallingly inappropriate. In transferring those responsible for the abuse of children...
from one role to another within the diocese or outside the diocese, the church prioritised its need to maintain secrecy with regard to what was happening to the child. Simply put, this amounted to an institutional disregard for the needs of children and young people by those in whom the public had placed the utmost trust. This must never be allowed to happen again.

The recently announced establishment of a new inquiry to focus on child sexual abuse in the Dublin diocese will also result in the publication of a shocking and disturbing litany of abuse, neglect and inaction. I welcome this inquiry, coming as it does seven and a half years after Andrew Madden, himself a victim of child sexual abuse, first wrote to the Taoiseach seeking such an inquiry. The response at the time from his private secretary was that it would not be appropriate, that difficulties lay in the impracticality of such a tribunal and that the Catholic Church was not a public body. I am glad to note we are a little more enlightened now and at least willing to look into these issues.

We cannot simply shake our heads, wring our hands and wait for the next damning report on this matter. What we must do, as well as ensuring that the response from the church authorities to incidences of abuse places the needs of the child first, is guarantee that the responsibility of the State to protect all children, young people and the vulnerable of any age is met.

It is clear that the primary responsibility for the protection of children lies with the State. The Ferns Report shows that the State, through its responsible agencies, has failed time and again to meet that responsibility and vindicate child safety. We all know that the child protection procedures are deeply inadequate and the Ferns Report confirms this knowledge in sad and shocking detail. If the report is to mean anything, there must be action and change. The report’s recommendations are detailed, thoughtful and, if implemented, would considerably enhance the level of protection afforded to children and young people.

There are a number of key actions the Government should take to ensure that the type of abuse at Ferns can never happen again. The legislation to establish a register of persons considered unsafe to work with children should be prioritised. This has been promised since I entered the House and yet it has languished in section C of the legislative programme with no publication date indicated. This legislation should be published before the end of this Dáil session. All cooperation will be given by Fine Gael and, I am sure, by our colleagues to ensure the legislation is passed without delay.

While the vetting unit is to be expanded after much delay, this will not address the concerns of the Ferns Report unless all members of school boards of management are subject to vetting. The Ferns Report stated clearly that “some priests appear to have abused their position as Managers of national schools in order to access children”. The same checks should apply to board of management members as do to teachers and other staff at schools, irrespective of who is responsible for making these appointments.

The Minister for Education and Science appears to be equivocating on this issue. That is unacceptable. The Minister is linking boards of management with the voluntary sector and calling it a “wider issue”. She appears to be completely unaware that the voluntary sector has been demanding access to vetting arrangements for many years. I met the National Youth Council this morning and it confirmed this. For the Government to suggest that expanding vetting arrangements will damage the voluntary sector, as the Minister for Education and Science did yesterday, is simply misinformed.

I cannot stress too much the importance of having all people working with children, whether in a paid or voluntary capacity, vetted for their suitability. Surely the Government is not suggesting that it is only those in paid employment who are likely to pose a risk to children? Any gap left in our vetting arrangements will be exploited by those seeking access to children for the purpose of abusing them. It is clear from the Ferns Report that priests used their positions on boards of management to access children. This is an issue the report highlighted as needing to be addressed.

The proper implementation of the Ferns Report does not allow us the privilege of picking and choosing or implementing only the easy parts. It must be implemented in full.

The gathering of so-called soft information is critical in the fight against those who seek to abuse children. It is notoriously difficult to secure convictions in cases of child sexual abuse, with some agencies estimating that only one in 20 cases results in a prosecution. We must remember that Ian Huntley, the person responsible for the murder of schoolgirls, Holly Wells and Jessica Chapman, was given a job at a school even though in the late 1990s he was repeatedly questioned on charges relating to sexual activity with minors, indecent assault, burglary and rape. In 1998 and 1999 alone he was questioned in four separate rape investigations. There is no way that such a person should have been able to get work at a school, and the gathering of soft, non-conviction information is vital to ensure that such a case does not arise in Ireland.

The concept of the use of soft information is also highlighted in this report. It quotes examples from Irish case law in this area, when dealing with the limitations of current legislation, particularly as it relates to health boards. Two separate cases in 1997 dealt extensively with this point. In MQ v. Robert Gleeson and Others, Mr. Justice Barr effectively allowed soft information to be passed
on by the health board to the VEC to prevent a person working in a school. He made an interesting distinction between the role of the health board and the police, as he called them, and the DPP saying that the health boards' emphasis is on “the protection of vulnerable children” while the latter’s emphasis is on “the detention and conviction of child abusers”. He then said, and it is worth quoting in full:

There are many circumstances which indicate that a particular person is likely to be (or have been) a child abuser, but there is insufficient evidence to establish such abuse in accordance with the standards of proof required in a criminal or civil trial. However, there may be sufficient evidence to create, after reasonable investigation, a significant doubt in the minds of competent experienced Health Board or related professional personnel that there has been abuse by a particular person. If such has been established then it follows that a Health Board cannot stand idly by but has an obligation to take appropriate action[.]

This is very much an implied right and duty to communicate, as the Ferns Report clearly points out, and it is our duty in this Chamber to make this an explicit piece of law. Any delay in doing so is the same as turning our backs yet again on people at risk.

The idea of non-conviction information was again mentioned by Mr. Justice Hamilton in re Article 26 in the Employment Equality Bill where he said that there was nothing in the Bill to require an employer to employ someone who had a criminal conviction for sexual behaviour or, and this is the key point, “anything that was considered on the basis of reliable information that he engages in or has a propensity to engage in unlawful sexual behaviour”. He based this firmly on the need to protect children.

Unfortunately, this does not give a clear indication as to what one can rely on as reliable information and again points to our duty to act to ensure this type of information can be used to protect children. The report shows that in 1998 the assistant Garda commissioner had to seek the Attorney General’s advice on whether it was the Garda or health boards who should inform employers or family members where rumour or innuendo exists. The response was that the principal avenue should be the health board. However, there is no legislative framework through which this can be done.

Other legislative changes recommended by the working group on vetting must be acted upon. The amendment of the Protections for Persons Reporting Child Abuse Act 1998 and the Sex Offenders Act 2001 to include the reporting of abuse of vulnerable adults and offer a greater degree of protection to those with physical dis-abilities respectively should be brought forward now. The legislative changes recommended in the Ferns Report, namely, the creation of an offence of reckless endangerment with regard to the welfare of a child, should be prioritised. An audit of practices in all dioceses around the country should be commenced and concluded without delay.

The stay safe programme should be available in all schools. It is not acceptable that up to one in five primary schools do not offer this subject, which should be mandatory. If some parents wish to remove their children from this subject, so be it, but that must not mean that all other children in the school cannot benefit from the programme. The priority in this programme is the protection of children.

The Minister for Education and Science, in a reply to a question from me on this issue yesterday, said that she would strongly encourage all schools to use the stay safe programme. Unfortunately, it is clear that encouragement in the past has not been sufficient. If it is a priority for her Department, as she claims, surely she should make it mandatory on all schools to implement it. The programme is designed to give children the skills they need to recognise and resist abuse and teaches them how to tell an adult what is happening. Surely this must be available to every child in the country. The Minister needs to revisit this issue and demand its implementation in every school.

Fine Gael has already published detailed proposals on how information can be gathered and how our vetting procedures can be significantly improved. Vetting a prospective employee or volunteer through the system proposed by Fine Gael would show whether the prospective employee or volunteer had a criminal record and, if so, to what crime such a record related, any relevant non-conviction information, and whether a school principal, vice-principal or chairperson of a school board of management had made a recommendation to the central vetting unit that the prospective employee or volunteer should not be employed to work with children or vulnerable adults and the reasons for this recommendation. The same would apply to the HSE CEO, director of service or line manager and the chief executive officer or director of a charity, voluntary, sporting or youth organisation. Utilising this system a complete database of both criminal conviction information and soft information would exist for the most comprehensive vetting possible. We have outlined clear appeal procedures to ensure that natural justice is respected. An examination of the Ferns Report shows in horrifying detail the abuse suffered by so many children in that part of the country. Unfortunately there is no reason to suspect that this abuse was not replicated to a
greater or lesser extent in other parts of the country.

If the Ferns Report is to mean anything it must result in immediate action and change. I call on the Minister of State present and the Minister of State, Deputy Brian Lenihan, to ensure the report is referred to a combined meeting of the Joint Committee on Health and Children and the Joint Committee on Education and Science. I would not like to see blame passed from one committee to the other. Joint hearings are imperative on this issue.

Ms F. O’Malley: The Ferns Report teaches us much. It is essentially a damning chronicle of the appalling abuses of the most depraved kind inflicted on young children by priests who held positions of trust and authority in communities. It chronicles the wholly inadequate and thoroughly reprehensible response by the church to abuses when it was informed of them. It highlights the inner workings of the church and how it felt itself above or separate from the laws of the State. It also points to the collusion on the part of the State authorities that allowed this misapprehension develop; that the church was above reproach.

The State’s failure to pursue priests for sex crimes against children over many years is truly shameful. It is evidence of the all too cosy relationship that has existed between the church and the State. I believe this relationship persists to this day, and if we are to act on the lessons from the Ferns Report it is a relationship which must be dismantled thoroughly.

Preservation and protection of the church was the primary concern of the hierarchy when the abuses became apparent. For an association or institution which purports to offer moral and spiritual guidance, the response of the church to the allegations of sexual abuse against members of its community was wholly morally bankrupt. It promoted and transferred paedophile priests, permitting them to continue their vile practice unchecked and it sidelined honourable priests who sought to have the matter addressed. Many honourable members of the church are as appalled as the general public by the tolerance on the part of the hierarchy or the institution of the church of the perpetrators of such evil sex crimes. These are people who are in danger of being isolated further from communities in which they have made a positive contribution because of a tendency of tarring all with the same brush. The hierarchy has let these honourable members down badly by its failure to bring errant members to justice.

Had the same efficiency with which Bishop Comiskey and others sought insurance to indemnify themselves against claims of sexual abuse in 1989 been applied to rooting out the cancer which was left to fester within the clergy, many children would not have suffered the pain and trauma of violation by people whom their parents and community revered. This is what is so reprehensible. Back then children were not believed, given the status of the priest in the community.

The Ferns Report is interesting also on the question of Canon Law versus State civil and criminal law and how the church places itself somewhat outside or above the laws which govern our nation. The early part of the report documents how the hierarchy grappled with the tensions between these sets of rules to which they were bound. The first code of Canon Law dealt with, amongst other things, how priests who abused children were to be treated. The report noted, “a high degree of secrecy was imposed on all church officials involved in such cases. The penalty for breach of this secrecy was automatic excommunication...”. This is totally at odds with our criminal code. The conduct of the hierarchy in dealing with sex abuse allegations demonstrates that its loyalty was first and foremost to its own code of Canon Law. The laws of the State came a poor second and the consequence was the appalling abuse of innocent children.

The report, if it were needed, should demonstrate to the Catholic Church or any church or organisation that its own code of conduct is subject to national law and it is by those standards alone that one’s conduct will be judged. Only time will tell whether this report represents a crossing the Rubicon. Can we confidently claim that the horror and pain inflicted by priests will never happen again? If we are to make such a bold claim our response to this report will make all the difference. This response will require many changes. Chief among them is the level of influence the church still enjoys in our schools. The Ferns Report notes the easy access depraved priests had to a steady supply of children through schools.

Mary Raftery, who has done invaluable service to Irish society by her persistence in exposing institutional abuses in Ireland, has raised this issue recently in The Irish Times. She has highlighted that more than 95% of national schools are directly managed by the Catholic Church. Often priests will control the boards of management. Fr. Seán Fortune chaired such a board while he conducted his sex crimes. Can we in all faith continue to leave the care of children in the education system in the hands of an institution which has shown itself to be wholly inadequate in its response to the safety of children when abuse was identified?

Equally, we have seen recent scandalous attempts by the Catholic Church to interfere with clinical trials for cancer patents in the Mater and St. Vincent’s hospitals. There is the ongoing objection of CURA volunteers to disseminating the “positive options” leaflet on behalf of the Crisis Pregnancy Agency, which is a State agency.
In a referendum the people indicated they wanted information on all options to be disseminated. This leaflet documents all options facing a woman with crisis pregnancy. This objection continues despite an agreement entered into by the bishops on behalf of CURA to do so. The agreement is worth more than €650,000 to CURA. These instances point to an all too powerful influence on our society by the Catholic Church. Such an influence has no place in a republic.

A survey conducted last year by the Department of Education and Science, the most comprehensive survey of the Irish people’s views on education matters since 1960, backs up this opinion. The majority agreed with the proposition that schools should not be denominational, although they should provide for some religious instruction. It is time we as politicians for a pluralist republic provided this option for our citizens.

I commend the work Mr. Justice Murphy, Dr. Helen Buckley and Dr. Laraine Joyce have done on our behalf. They operated under particularly difficult circumstances in that it was not a sworn inquiry. Despite its stomach turning contents it represents something of a catharsis in the State’s role and responsibilities and those of the church in finally confronting clerical sexual abuse. I hope the church will get the message clearly that it no longer has an ally in the State if it is seeking to cover up sex crimes.

Mr. Howlin: As a Deputy for Wexford, I am glad to have the opportunity to participate in this important debate. No document in my memory has caused more concern anguish and debate in my county than the Ferns Report. Since its publication two weeks ago it has rightly dominated public conversation and public discourse. It has caused the entire community to reflect on itself. It has required each of us in the community to examine how such terrible things could have taken place and how it could have continued for so long.

I do not believe that Wexford is especially evil — I know better than that. I know of the thousands of good, decent and honourable people who live there and of the good and decent priests and religious.

However, awful things did happen in my community, the details of which, unvarnished and brutal, are laid out in the Ferns Report. It shames us all that it happened in our midst and that society went on as normal with such hurt and evil flowing freely beneath the surface.

I listened yesterday to Colm O’Gorman, a voice of calm, sanity and reason from a man who endured much pain. He has played a pivotal role in exposing the truth. His approach is not vengeful, but hopeful and positive. The process of shining light into dark crevices is, and will continue to be, painful, but one lesson above all must be learned. All of us must listen and must believe. We have a great deal more listening to do. Some voices want now to move on, to close the debate as if we have heard enough. This cannot happen.

The first responsibility for all of us is to give space to the victims who at last have had their experiences told and believed. Others will be given strength by their courage and they too must be allowed a voice. It may take time, but we must construct an ongoing system to allow that process to unfold. We must also ensure our child protection systems are robust beyond doubt. I remember the long debate in this House on the Child Care Act in the early 1990s. After the publication of the Kilcullen incest case, I was able, as the then Minister for Health, to resource that important legislation.

Deputy Twomey, my constituency colleague, mentioned the beginnings of change in the aftermath of the Kilcullen report, when there were resources at ground level to deal with, recognise and accept there were such awful issues as child abuse. They were not only real, but in many cases all too rampant. There are now new and clear recommendations in this report upon which we must act.

In the fog of debate about canon versus State law there must be no doubt that the State has the prime responsibility to protect all its citizens, especially its children. There can be no ambiguity about the responsibility of all citizens, lay or religious, to apply State law and to assist, without reservation, in the investigation of crime. Like most crimes of violence, what is clear from the cases so graphically set out in this report is the abuse of power. The Catholic Church, for so long the most powerful institution in the State, abused its power. While the prime responsibility lies with the perpetrators of these awful criminal acts, what is revealed is a powerful institution incapable or unwilling to deal with the terrible truth.

The response of Bishops Donal Herlihy and Brendan Comiskey is spelled out in detail in the report. While to judge the actions of people up to 40 years ago through the prism of today’s state of knowledge and understanding can produce a false result, the failure to act effectively when knowledge was received beggars belief. What emerges is a parallel world where the church, its institutions and its priests exist in a separate world of accountability and responsibility. All of us allowed that parallel universe to exist and that level of power to be exercised. This must end now. There must be one standard applied universally in the Republic, through which all citizens will be afforded the same rights and have identical responsibilities. This is the position now accepted in the diocese of Ferns. It must apply everywhere in the State.

The actions of Bishop Eamonn Walsh, since he became apostolic administrator of the diocese of Ferns in May 2002, are commended by the
inquiry team. The inquiry team points out that the procedures adopted by Bishop Walsh should be incorporated into the organisation and management of the diocese. That should apply not just to the diocese of Ferns but to all dioceses. However, I point out again that the State must determine proper procedures to be applied throughout the State by all its citizens.

In the days and weeks ahead, there will be scope to deal with many of the deep issues raised by some of the early speakers in this debate, for example, the position of the church — all churches — in influencing State policy and the role of the church in education. This debate is timely and must come soon. Today, however, we should deal with the report before us and its recommendations.

One recommendation is the institution of a new criminal offence relating to engaging in conduct that creates a substantive risk of bodily injury or sexual abuse to a child, or failing to take reasonable steps to alleviate such a risk. I welcome the Government’s commitment to incorporate an amendment into the Criminal Justice Bill currently before the House to act swiftly to make this the law of the land.

We have had much debate on Garda vetting procedures, but they are still woefully inadequate. Many organisations dealing with children are begging for supports to enable them to ensure the children in their care are protected. Whatever resources and systems are required to do this must be provided without delay. New barring orders that will allow the HSE to apply to the courts to protect children from people with a propensity to abuse must be swiftly enacted into law. We must also conclude our debate on mandatory reporting. People have differing views on this, but they are still woefully inadequate.

Much soul searching has gone on and is going on in County Wexford. It is inevitable that other communities will face the same issues in the future, as further necessary inquiries reveal our painful past. We must ensure it is the past.

For many young people, the Ireland of the 1970s and 1980s is an unknown land. A recent RTE programme examining the progression of social issues through this period reminded us who lived through it of the bitterness of some of the clashes. I remember all too vividly and well Fr. Seán Fortune’s campaign on the 1983 constitutional amendment — his doll placed on the altar with red ribbons flowing from it. That era is over. We must ensure as a legislature that it truly is over.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I pay tribute to those who came forward to speak to the Ferns Inquiry to outline the appalling abuse they suffered. I find the Ferns Report deeply disturbing and shocking, not because I am a Minister of State or a Dáil Deputy, but because I am a father of young children. The only times I have been moved to tears during my eight-year political career in this House have been when the victims of institutional abuse have told me their stories. I have been moved by the forgiveness extended by some of those who have suffered this kind of abuse to those who perpetrated such awful acts.

The last speaker rightly said that the abuse by certain people of their powerful positions in society is perhaps the most dangerous and sinister aspect of the contents of the Ferns Report. We need to understand that the era of monopoly power in Irish society, whether it applies in the area of morality, economics or even politics, has definitively come to an end. I hope the people of this country have learnt over the past ten, 20 or 30 years that nobody should be allowed to enjoy monopoly power over individuals or society as a whole. As Ireland matures as a country, its people, including the members of its political class, should say publicly and bravely that they will not allow such events to take place again. We will not allow people to be abused in a vicarious manner, as happened in Ferns, in institutions and, it must be said, in families.

It is often forgotten in the maelstrom of debate and public controversy about institutional abuse that the vast majority of abuse takes place within families. I do not say that to mitigate the cause of the betrayal that occurred in Ferns. We should not forget that appalling abuse can take place between siblings, or can be perpetrated by parents against their children. Not only are all the institutions of State and those who deal with children on a daily basis responsible for ensuring that children are protected, but parents have a responsibility to ensure that their children, as well as other children in their care, are similarly protected.

There is a strong need for people to speak out. We cannot allow monopoly power or monopoly voices to drown out the human rights and dignities of individuals in society who may be the subject of abuse. One of the horrible aspects of what happened in Ferns and other parts of the country, in institutions and in families was that people felt powerless and were afraid to speak out. I send a strong message that people should not be afraid to say what needs to be said. They should be given a chance to speak out. As practising politicians, we should give people such an opportunity. People should not feel inhibited, by dint of what we do in the House or as public representatives, in speaking out and having their stories
[Mr. C. Lenihan.]

heard at the highest level or at any other level of their choosing.

The Ferns Report is very sobering reading. I would not recommend to anyone that they read it. A decision on whether to read it is very much a matter of personal choice. The graphic descriptions in the report cut to the core of what we are about as a society. The basis of our society is challenged by the report. Are we prepared to act in ignorance? Are we prepared to ignore? Are we prepared not to listen to the voices of people who have suffered at the hands of abusers of one kind or another? As a society, we must be careful not to become complicit in any kind of institutionalised or systemised practice of abuse ever again. We need to put in place simple reforms to give people an opportunity to speak out about matters of this kind, rather than being drowned out by those who think they possess some moral authority or control over individual lives. I do not say that lightly.

It is important that we do not become over-focused on the church, which continues to have a certain amount of power in Irish society. Most of the people associated with the church have operated in an honest way and have not acted as abusers. The same can be said about the banks, which have been the subject of controversy in this House. I am sure Deputies will accept that most bank workers are honest and decent people who do not perpetrate fraud of any kind. The same can be said of those who are involved with the church. While I do not want make allowances for those who were involved in certain forms of conduct in Ferns, Dublin or elsewhere, it is important to point out that most people associated with the church are not practitioners of abuse.

It is almost a cliché to say in debates of this nature that the character of an institution is defined by how its systems respond to complaints made by people who have chosen to speak up, to highlight certain cases or to make a plea for help. If one reads the Ferns Report, it is clear that the institutions which existed in Wexford utterly failed the victims of abuse. That is a matter of profound sadness for me.

We must build a society that takes responsibility for managing people’s expectations. Most people rightly expect that their voices will be heard and their concerns acted on when they speak out about matters of this nature. There is sometimes a tendency, particularly in politics, to empathise with people rather than do something practical or supportive. As a class of people who are gathered in this Parliament to represent the citizens of this country, we need to offer practical support to the people. Practical legislation that will produce practical results is needed if we are to give comfort to parents, people in authority who have jurisdiction over children and people involved in the supervision of children. People need to be reassured that matters of substance such as those in Ferns will be acted on swiftly in a clear, definitive, unbiased and objective manner. We have to make sure there is no covering or shadowing and that nobody makes allowances or fails to proceed with an investigation. We need to replace that culture with a culture of openness about everything. We need to be much more open with ourselves about matters of this nature. This issue is at the heart of how we define ourselves as a people. Are we a Christian and caring people? Are we prepared to listen to the awful things we might hear about the abuse that is taking place?

I would like to comment on a sinister aspect of this issue that has been highlighted internationally. There is evidence to suggest that the perpetrators of child sexual abuse act in a devious and cunning manner. They are not unintelligent people who fit into some Victorian stereotype of the criminal underclass. They cross all our paths in society. Many investigations, including the FBI investigation into people paying with their credit cards to access child pornography on the Internet, have produced evidence that those involved in such crimes are people of high standing in society. Cunning and devious people with responsible positions are often prepared to collude, collaborate and connive with other people to perpetrate various forms of abuse. This is the most sinister aspect of this issue.

We need to be incredibly vigilant in this regard, for example, by arming parents with knowledge and warning them that certain people are prepared to prey on their innocent children. It is not enough for us to say there is a Government response. If this country’s political class is in a position of political authority, as it claims to be — it represents the people and elects a Government with the public mandate it achieves — it must dedicate itself to the moral need to educate parents and the public about the existence of certain people and to point out to them that they need to take the first step in terms of bringing cases of abuse to the attention of the authorities. As parents, they need to become aware of the need to protect their own children because there are limits to the role of the State. Those involved in paedophile rings of one kind or another are enormously intelligent, devious and cunning in the lengths to which they go to cover up their activities and to perpetrate further crimes, by procuring and preying on young people. I do not say that lightly. As a parent of young children, I feel we have a responsibility to act quickly and definitively. There should be no showboating on this issue from the political class. It should act with strong moral integrity to tackle this issue in a meaningful way at every level, be it as a constituency Deputy, a Minister or as a citizen. This matter must be coherently addressed.
Ms. C. Murphy: I wish to share time with Deputies Crowe and Cuffe.

An Ceann Comhairle: Is that agreed? Agreed.

Ms. C. Murphy: I welcome the Ferns Report and the announcement of a similar inquiry into the Dublin diocese. It is vital that we understand what occurred and implement fully the recommendations of this report. A number of things struck me about the report but due to the limited time available to me I will just focus on two of them. The first thing is that the individual allegations were shockingly explicit. It was clear that the abuse was possible because those carrying out the abuse were people who had access to children by way of their position within the community. They were trusted implicitly. When allegations were made, as they were over and over again, they were not believed. Not being believed compounded the abuse that robbed those victims of the innocence of childhood. We must pay attention to those conditions if we are to learn from the bravery of those who have come forward to tell of their abuse and protect our children in the future. We must not fall into the trap of blaming all for the sins of a few because that offers no protection.

The second thing that was obvious to me was the power of the media. Clearly the programme broadcast in March 2002, “Suing the Pope”, forced the setting up of the inquiry in the first place. The report acknowledges that. In that context I wish to refer to the refusal of the Department of Education and Science to hand over documents in the National Archives on special schools, reformatories and orphanages. These documents show the relationship between the institutions run by the church and the State. They are vital to our understanding of what took place. The Minister of State, Deputy Conor Lenihan, referred is something to which the State must pay attention.

Prior to the setting up of the redress board a most restrictive approach was taken to inquiries about these documents. People were told there was a shortage of space in which to view these documents. Freedom of information requests by the media have received the same kind of reply to that which I received, that it would interfere with the running of the Department. Let us end the silence on this matter. Silence was part of the problem that caused this abuse in the past. The openness to which the Minister of State, Deputy Conor Lenihan, referred is something to which the State must pay attention.

I agree with what Deputy O’Donnell said about the inappropriate relationship that existed between the church and State. The several churches and the State should exist as separate entities. The Ferns Report has brought admissions by clerics of an inadequate understanding of human sexuality yet there was no shortage of guidance from that same body throughout the history of the State. That guidance is now seen as inappropriate. It is a pity so many lives have been destroyed before we could get these kind of admissions. I agree with Deputy O’Donnell that this issue should be acted upon.

Mr. Crowe: The Ferns Report is one of a series of inquiries into child sexual abuse which demonstrate the failures of those with responsibility to protect children from harm. I am truly humbled by the strength and courage of all survivors of child abuse, those named by this inquiry and all those who remain anonymous.

A certainty stemming from this emotive inquiry, as it did from the previous inquiries in the 1990s for example, into the swimming association, is that lessons must be learned and commitments made, if children are to be protected now and in the future. The United Nations Convention on the Rights of the Child, ratified by Ireland in 1992, enshrines the rights of children to protection from violence, abuse and exploitation. States are obliged to implement its contents. In 1999 the Department of Health and Children published, Children First: national guidelines for the protection and welfare of children. The guidelines were republished last year and they constitute an overview of the State’s working procedures for the protection of children from abuse. Children First represents a good model for the protection of children by the State but only if it is fully resourced and implemented. Due to under-resourcing and staffing shortages, it is not being implemented in all Health Service Executive areas at present.
Implementation failures have been identified by a number of child protection officers, CPOs. The introduction of the post of CPO in the youth work sector resulted from the recommendations of Children First, which included a role description. It is the responsibility of these CPOs to ensure child protection concerns in their organisations are reported to the relevant authorities, so they are uniquely placed to identify deficiencies in the implementation of the guidelines by the key State bodies. The issues identified by CPOs and relayed to Sinn Féin include: inability to make contact with the designated persons in the Health Service Executive and the frequent failure of the designated persons to return calls; misinformation from social work department staff; lack of follow-through despite explicit provisions for same; great pressure and onus being placed on CPOs by social workers and the need for consistent boundaries between the two to be observed; a lack of consistency in terms of responses between individual social workers and across HSE areas, and difficulties assisting children and their families to access practical supports.

These issues are resulting in a failure to protect children which constitutes ongoing neglect of children by the State. On behalf of Sinn Féin I stress that this inexcusable failure on the part of the Government to implement its own guidelines is not the fault of social workers, rather it is due to the decision at Government level to under-resource and overstretch these hard working and caring individuals beyond their limits. On foot of the Ferns Report, past inquiries and media revelations as to the prevalence of child abuse, Sinn Féin demands that the Government makes a commitment to fully resource and implement Children First.

Mr. Cuffe: It is time to look again at the relationship between the church and State. The Preamble to the Constitution states: “In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ...”

Article 44 states: “It shall hold His Name in reverence, and shall respect and honour religion”. This has to change. In particular, that reference in Article 44 must change to move with the times. I do not say that those of us who profess religion should not show respect to a deity but we are sending out the wrong message to the Muslim, the Hindu, the Sikh, the agnostic and to those who do not believe in a God. Painful though it may be, we must separate the church from the State. It is an important issue and it must be tackled. The special place of the Catholic Church and the reference to Jesus Christ in the Preamble to our Constitution must change.

We must also change the right of church representatives to chair school boards of management. We must provide more funding to multidenominational schools. Educate Together makes a strong plea for increased funding and we must honour that plea. We must provide a strong vetting system for those working with children. The gardaí simply do not have the resources needed to deal with this issue.

Mr. B. Lenihan: The gardaí have the resources.

Mr. Cuffe: They do not. If one is running a crèche and wants to vet staff, one calls the gardaí who will say they do not have the resources to vet people. The gardaí have the resources to vet those going to work for the health boards or particular organisations such as Barnardos. I would like the Minister of State to acknowledge that in his reply.

Mr. B. Lenihan: I certainly will not acknowledge that because the Deputy obviously did not read what I said earlier on this subject.

Mr. Cuffe: The lyrics of the Christy Moore song All I Remember read:

The priest in confession condemns my obsession

With thoughts that I do not invite

It is time the Catholic Church looked carefully at itself yet again in order to address these problems which go to the heart of it.

Mr. Moloney: I regret the need for such a report but having read it, it is clear there is such a need. I support the suggestion made by Deputy Enright some time ago that perhaps the appropriate forum in which to debate the report and to go through the recommendations is a committee of the Joint Committees on Health and Children and Education and Science. As Chairman of the Joint Oireachtas Committee on Health and Children, I would welcome that.

I do not want to throw out the old cliche which has been thrown out but it is worth mentioning that many people, who gave their lives voluntarily over the years to work within the clergy and who have acted properly, unfortunately feel condemned. It is our duty to follow the recommendations in the report but it is important to recognise at every opportunity the huge input of clergy over the years. I was in a boarding school run by clergy for five years and saw at first-hand the commitment of the Patrician Brothers in Ballyfin and throughout the State. While it might be taking away from the time allocated to me to speak on the report, it is, nevertheless, important to say that.
The report highlights the need for us to change drastically, and I refer specifically to school management, management boards and the input of clergy to those boards. I believe the debate will now widen. Times of yore have long passed and the issues raised by this report must be addressed immediately not only to restore confidence in the system for those who have been abused but for wider public as well.

I pay tribute to Bishop Walsh on the way he handled this report and the fact he went to Ferns not armed with anything extra but was able to come to terms and to deal with the issues and to be seen as an open and transparent representative of the church. I also congratulate the Minister of State, Deputy Brian Lenihan, on the way he presented the report. He has acted properly at all times.

The issue of Canon Law versus State law has come to the fore. There has been much confusion and doubt about the importance of Canon Law. It is now recognised that State law comes first and that Canon Law can never impede it or act as a cover for those who claim such cover.

As we progress through the issues, it is important we focus on the role of the State and the church in education. We must recognise the great hurt caused to those who suffered, to those who tried to make it public and to those who tried to change the system so such hurt would not continue and people would be brought to buck but who were, unfortunately, dismissed over the years. I pay tribute to the courage, strength and integrity of each person who suffered the worst forms of abuse and who subsequently came forward and gave evidence to the Ferns Inquiry. Even though the hurt has been proven it has, nevertheless, taken years for the authorities and for us to believe such hurt could be caused. Unfortunately, the torture inflicted on these people may not ease with time and will continue to haunt them. As a parent, one can only begin to imagine the pain visited on the victims of abuse and the families who suffered as a result by those who were unfortunately, in many cases, put on a pedestal by society.

Reading the report is, to say the least, startling. Each of the 260 odd pages of the report is more horrific than the preceding one. Over a 40-year period, 21 priests operating in the diocese of Ferns faced over 100 allegations of child sex abuse. I have learned from the first-hand experience of Members from the Wexford constituency. And the families who suffered as a result by those priests who gave their lives to their vocation and their communities. Priests who have given their lives in service of their parishes have been accused of similar behaviour. Most of those who take up a vocation forego lucrative incomes in the private sector. Many of them attend third level for the same number of years as students who qualify in the fields of law and medicine. We should recognise they chose the high standards they often put forward for the rest of society. Children are surely the most vulnerable in society and rather than shield them from the possibility of abuse, the church, in many instances, merely shifted the problem to some other parish. This was certainly a case of hear no evil, see no evil. Where serious allegations of abuse were made, the hierarchy chose to bury their heads in the sand in the hope the problem would simply go away. The Ferns Report showed that when problems arose, they did not go away. Simply transferring a priest did not resolve the problem. If the Ferns Report is a forerunner of reports to come, we must act immediately. In that regard, I congratulate the Government on accepting all the recommendations in the Ferns Report. Confirmation has now been sought from the Bishops’ Conference that the recommendations in the report will be implemented collectively and individually, which I welcome.

What has shocked most members of the public is the distance the hierarchy managed to put between itself and its congregations. Protection has been the name of the game and that must be resolved. It was a case of admitting to nothing and praying the issue would blow over. In times of grief and distress, we all want to call on a priest but in the case of clerical abuse, the hierarchy chose to ignore these calls. Unfortunately, whether unable or unwilling, the evidence suggests that successive Bishops of Ferns fumbled when dealing with this most sensitive issue.

We must move on to being judged by those who have been abused. We must show our commitment as legislators that we are taking the recommendations seriously. It is important not only to say we are taking them seriously but to act on those recommendations immediately and put in place procedures. We must create a culture of belief when people are courageous enough to come forward rather than dismiss it as an attack on some other authority. We must gain public confidence that this State has learned from what has emerged from the Ferns Report and is making a steadfast commitment to ensure issues raised in the report are dealt with.

The power of the church must be examined because for decades the church failed to act. It is guilty of letting its congregation down. The church failed the overwhelming majority of nuns and priests who gave their lives to their vocation and their communities. Priests who have given their lives in service of their parishes have been jeered and called paedophiles, child abusers and so on. However, in the rush to condemn, difficulties have been visited on hundreds of priests who have been accused of similar behaviour. Most of those who take up a vocation forego lucrative incomes in the private sector. Many of them attend third level for the same number of years as students who qualify in the fields of law and medicine. We should recognise they chose
the religious life and the vast majority of them are not guilty of child abuse.

Society as a whole, however, also shares the blame for the years of silence regarding child abuse. It is not good enough to say the State agencies were powerless to act such was the power of the church. Garda notes are missing in a number of cases and, for example, the Southern Health Board failed to act when notified of abuse. All citizens are equal in the eyes of the law and for too long one’s position in society earned one a right to protection from the law. This should never be allowed to happen again.

I pay tribute to Mr. Justice Francis Murphy and the other members of the inquiry team. They gave more than their professional time to the inquiry. Following much turmoil and personal angst, they have delivered a comprehensive and devastating report into clerical sex abuse in the diocese of Ferns. The Minister for Justice, Equality and Law Reform and the Minister of State at the Department, Deputy Brian Lenihan, deserve great credit for the way they have handled this matter. The Minister and the Cabinet displayed great courage by establishing this inquiry more than two and a half years ago. The Minister of State has exercised a safe pair of hands in dealing with matters in recent months and he has been open and proper in all his dealings.

I also pay tribute to Bishop Walsh who has ensured, since taking over as apostolic administrator in 2002, that steps have been taken to protect children effectively. It is regrettable that there was a necessity for such an inquiry and report but clearly the need was there and it is up to us to prove our commitment to those who were abused by acting immediately on all the recommendations.

Mr. Neville: I welcome the opportunity to contribute to the debate on this sad and tragic report. Terrible hurt and pain was inflicted on many people at a vulnerable age. I am a practising Catholic and, like most of us, I am probably an à la carte Catholic. However, my faith and my church is important and, while I cannot compare anything with the hurt of the children who were abused, those of us to whom faith is important have also been deeply hurt by this exposé. Those who perpetrated and covered up the abuse should understand the hurt of people whose church is important to them. I have never felt the Catholic Church is the be all and end all of everything. Other churches have a similar role. I did not have a choice, but if I had, I would probably have become a Methodist because I have enormous regard for Methodists in my area. There is also a large Church of Ireland congregation in my area and one of the most moving events I ever attended at home was a 9/11 memorial service involving the Methodist, Church of Ireland and Roman Catholic congregations in the local Roman Catholic Church led by the Methodist minister.

Those who perpetrated and covered up the terrible acts against children represented Christ on earth. I would like to remind them of what Christ said about children and how they should be dealt with. I refer to St. Matthew’s gospel, which states:

At the time the disciples came to Jesus and asked, “Who is the greatest in the kingdom of heaven?” He called a child whom he put among them and said: “Truly, I tell you, unless you change and become like little children, you will never enter the kingdom of heaven. Whoever becomes humble like this child is the greatest in the kingdom of heaven. Whoever welcomes one such child in my name welcomes you. If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depths of the sea.

“Woe to the world because of stumbling blocks. Occasions for stumbling are bound to come but woe to the one by whom stumbling blocks come. If your hand or your foot causes you to stumble, cut it off and throw it away. It is better for you to enter life maimed or lame than to have two hands or two feet and to be thrown into the eternal fire.” And if your eye causes you to stumble, tear it out and throw it away. It is better for you to enter life with one eye than to have two eyes and be thrown into the hell of fire. Take care that you do not despise one of these little ones. For I tell you that their angels in heaven continually see the face of my Father in heaven.

“What do you think?”

If the people who perpetrated these crimes read the words of their own master, they would see how wrong they were and if those who covered up their crimes read them, how could they ever justify covering up such deeds?

I refer to the effect of sexual abuse on children. When child abuse occurs, a victim can develop a variety of distressing feelings, thoughts and behaviours. No child is psychologically prepared to cope with repeated sexual stimulation. Even a two year old who cannot know sexual activity is wrong will develop problems resulting from the inability to cope with over-stimulation. A child of five or older who knows and cares for the abuser becomes trapped between affection or loyalty for the person and the sense that sexual activities are terribly wrong. If the child tries to break away from the sexual relationship, the abuser may threaten the child with violence and loss of love. A child who is the victim of prolonged sexual abuse usually develops low self-esteem, a feeling of worthlessness and an abnormal or distorted view
of sex. The child may become withdrawn and mistrustful of adults and can become suicidal.

Children who have been sexually abused have difficulty relating to others, except on sexual terms, and some become child abusers or prostitutes, or experience other serious problems when they reach adulthood. Often there are no obvious physical signs of child sexual abuse. A number of signs can be detected through physical examination by a doctor. Sexually abused children may develop an unusual interest in or avoidance of all things of a sexual nature. They experience sleep problems and they often have nightmares. They suffer depression and can withdraw from friends or family. They may make statements that their bodies are dirty or damaged or fear there is something wrong with them in the genital area. They may refuse to go to school or they may become delinquent and have behavioural problems. They often become secretive and they sometimes display aspects of their sexual molestation in their drawings, games and fantasies. They may be unusually aggressive and may present with suicidal behaviour and ideation. Child sexual abusers can make the child extremely fearful of telling someone and the child can only talk freely when a special effort has helped the child feel safe. If a child says he or she has been molested a parent should try to remain calm and reassure the child that what happened was not the child’s fault. Parents should seek a medical examination and a psychiatric consultation.

The initial and short-term effects of abuse usually occur within two years of the termination of the abuse. These effects vary, depending on the circumstances of the abuse and the child’s stage of development. The effects may include regressive behaviour such as a return to thumb sucking and bed wetting, sleep disturbance, eating problems, behaviour and or performance problems in school, and non-participation in school and social activities.

The negative effects of child abuse can affect the victim for many years and into adulthood. Adults sexually abused as children commonly experience depression and high levels of anxiety in these adults can result in self-destructive behaviour such as alcoholism and drug abuse, anxiety attacks, situation specific anxiety disorders and insomnia. Many victims encounter problems in their adult relationships and adult sexual functioning. Re-victimisation is a common phenomenon in people abused as children. Research has shown that child sexual abuse victims are more likely to be victims of rape or be involved in physically abusive relationships as adults.

The ill effects of child abuse are wide-ranging and there is no one set of symptoms or outcomes. Some children report little or no psychological distress from the abuse but these children may be afraid to express their emotions or may be denying feelings as a coping mechanism. Other children may have sleeper effects, experiencing no harm in the short term but suffering serious problems in later life.

Can a child recover from sexual abuse? In an attempt to better understand the ill-effects of child abuse, psychologists have studied the factors that may lessen the impact of abuse. Factors that affect the amount of harm done to the victim include the age of the child, the duration, frequency and intrusiveness of the abuse, the degree of force used and the relationship with the abuser. Children’s interpretation of the abuse, whether they disclose the abuse and how quickly they report it also affects the short and long-term consequences. It is very easy to abhor child sexual abuse but it is important to understand the effects and the destructive outcome for children.

**Dr. Devins:** I wish to share time with Deputy Hoctor. I thank the Leas-Cheann Comhairle for the opportunity to speak on this important issue. The catalogue of depravity revealed in the Ferns Report makes for sorry reading. We owe a debt of gratitude to the authors of the report, particularly Mr. Justice Murphy, for producing a clear and concise report in the timescale allocated. In the limited time available I do not propose to examine in detail the scale of child sex abuse by priests attached to the diocese of Ferns. The scale and awfulness of the abuse is well documented in the report. I reiterate the suggestion of the Chairman of the Oireachtas Committee on Health and Children, Deputy Moloney, that this committee along with the Committee on Education and Science would be a suitable vehicle to examine the contents of the report in more depth.

Chapter 4, where repeated allegations and complaints are detailed, makes for harrowing reading. Child sex abuse is a terrifying ordeal for the unfortunate child involved. Everyone is particularly revolted when a person of authority in the eyes of the child, such as a parent, teacher, doctor or priest, is involved. That does not imply abuse is any less serious if carried out by an adult not in a position of authority. The catalogue of abuse detailed in pages 70 to 123 is horrific and the psychological scarring for the victims is immense. Their courage in the face of extreme adversity is to be commended and it is imperative lessons are learned and the correct procedures put in place to ensure such a litany of disasters does not occur again.

What can legislators do? The value of this report is that it brings to light a matter that has been hidden from public scrutiny for a long time. Paedophilia is present in our society and we must recognise this or our children will continue to suffer. Paedophilia has been present since time immemorial. At times, recognition of its intrinsic evil has been highlighted and steps taken to
[Dr. Devins.]
counteract it. With increasing research, some
degree of understanding has developed. We do
not know what turns certain individuals into pa
dophiles but we know treatment is long and diffi
cult and not always successful. We also know pre
vention is infinitely better than cure, an aspect to
which I wish to refer.

A paedophile cannot commit paedophilia with
out access to children. Emphasis must be placed
on protecting children as much as possible. Scrut
iny of all adults with access to children must be
of the highest standard. A strong case exists for
the presence of two adults at all times while chil
dren are involved in an activity. Such a policy will
be difficult to implement, particularly in the
sporting and voluntary sector where it is increas
ingly difficult to recruit coaches and volunteers.
The presence of another adult lessens the danger
that a child may be abused as well as acting as
protection for the adults.

Mandatory reporting is an issue about which
there is some conflict but I am persuaded it
should be put in place, with clear guidelines, so
that complaints or suspicions put forward for the
wrong reasons are dealt with. I urge the Minister
of State to examine how this important compon
ent of dealing with child sex abuse may be
implemented.

I welcome the decision to set up an investi
gation into child abuse in the diocese of Dublin.
Questions have been asked of the other dioceses
in Ireland. I understand the Minister of State has
the authority to examine any other diocese if he
feels it is warranted and I would be grateful if he
could confirm this.

Constituents have brought to my attention the
role played by members of religious orders who
engaged in child sex abuse while on secondment
to a diocese for parochial duties. Are the activi
ties of these priests under the jurisdiction of the
bishop or the religious superior? I note that
members of religious congregations were not
covered in the Ferns Report. Are procedures in
place so that child sex abuse by members of
religious congregations can be exposed in the
same manner this report exposed the paedophilia
of certain priests in the Ferns diocese? The Ferns
Report is an important step in the right direction
and it is up to us to play our part in the protec
tion of children.

Ms Hoctor: Having read the Ferns Report, I
also share the horror and deep sadness that
others have expressed. I must declare that I knew
two of the priests who are named in the report.
It is difficult to understand the behaviour out
lined in the report of those who perpetrated those
crimes, in addition to those who permitted the
silence that followed and enabled that behaviour
to recommence elsewhere. It is quite incompre
hensible and cannot be condoned. One can but
try to grasp why this happened and understand
how it occurred in the way it did. We must learn
from the revelations that were given so coura
geously by those who suffered and who carried
that pain within them for so many years before
having the opportunity to tell their stories.

Having listened to many of my colleagues, we
must try to be as clear headed as possible in try
ing to understand the terrible sadness involved.

We are still learning about the phenomenon of
paedophilia. Deputy Devins said it has been in
existence since time began. No doubt it has been,
but it is only now that we are able to put a name
on it. Many years ago, it would have been seen
as a dirty habit or strange behaviour and, to some
extent, that may explain why it was not dealt with
properly at the time. Nevertheless, that attitude
does not condone the silence that shrouded this
criminal behaviour and enabled it to continue.
Young people were hurt and had to carry the
pain into adulthood. As elected representatives,
we must now enable them to deal with that
situation and move on in life, although they can
never leave it behind since it has left such an
indelible mark.

Members of the Oireachtas are in a responsible
position to address this matter in the best way
possible. Expert psychologists claim that people
with paedophilic tendencies gravitated towards
the respectable role of the priesthood where they
had access to children. Unfortunately, the
vocation of the priesthood, for which I have deep
respect, was greatly abused in that way. It should
be made clear that paedophiles became priests
and not vice versa. It is also important to make
clear that homosexuality is not co-related to pa
dophilia. There is a danger that some reporting
may suggest that is the case, although we know it
is not so.

The past few weeks have been devastating for
those of us learning about this matter for the first
time through the report. I welcome the accumu
lation of data in the report as well as the work
that is being undertaken to put together stringent
strategies in all dioceses throughout the country.
The Children First programme has been
implemented in many voluntary organisations,
but not all. Everyone involved in volunteerism
with access to children must engage in the pro
gramme. This is as much for the children's protec
tion as for that of the volunteers.

Given my political interests, I welcome the fact
the Garda central vetting unit will be located in
Thurles. Quite apart from the proposed location
with which I am delighted, the work of the unit is
vital. I compliment the Minister of State, Deputy
Brian Lenihan, for his work in this area, which I
have discussed with him privately. The Minister
for Justice, Equality and Law Reform, Deputy
McDowell, has also been involved in this work. I
urge those involved to continue the work on
drafting mandatory reporting legislation without
delay. A similar effort is required with regard to legislation governing the logging and vetting of people who will work with children and vulnerable adults.

Before the criminal records bureau was established in the United Kingdom, agencies had all worked in isolation from one another. When the work of the Garda central vetting unit begins in Thurles, I urge the Minister to set up a multi-agency, public protection panel. The HSE, local authority housing sections, the Garda Síochána, the probation service and social services should work in partnership to provide a full picture of such offenders. By providing information on an inter-agency basis, such people can be fully monitored.

Ms O’Sullivan: I welcome the opportunity to contribute to this debate. I support the proposal that the Committee on Health and Children and the Committee on Education and Science should have the opportunity to study this extremely good report jointly. They should examine its recommendations in detail. The report not only relates what occurred but also provides a useful examination of the structural aspects of the bodies concerned. In the circumstances, the aforementioned committees are the appropriate fora to undertake a study of the report. I hope that specific recommendations will be made that can be agreed upon and implemented.

Earlier today, Deputy O’Donnell spoke in the slot ordered for the spokesperson of the Progressive Democrats Party. I must assume, therefore, that since that was by an order of the House, she was speaking on behalf of her party in everything she said. If so, I expect that her party will be making proposals to Government concerning the issues she raised. I wonder if Deputy O’Donnell was speaking on behalf of Deputies Sexton, Tim O’Malley, Grealish and Parlon because she was occupying the official slot of the Progressive Democrats Party. None of us should throw out O’Donnell, who has long campaigned on behalf of the local national school to access children as young as nine years of age. On page 164 it states that Father Fortune as curate of Ballymurn was appointed chairman of the board of management of Ballymurn national school. He also gave religious instruction in Bridgetown VEC. These are just two examples in which the priest’s role as manager of a school was used to abuse children.

I recently heard a principal of a school in the Ferns diocese on the radio saying he had to make up excuses not to send children to the priest’s house because he suspected the priest was abusing children. He did not have the power to face the priest and refuse to send the children to his house. We must address those power structures.

The message from this report and the experience of child abuse generally is that there was a terrible imbalance of power in our country in the past and, to some extent, there may still be. Young children were powerless and people in institutions, in this case the Catholic Church, had enormous power and wielded it to abuse children.

I acknowledge that there were very many priests who did not abuse that power, but the structures allowed some priests to do so. We owe it to everybody to ensure a rebalance of power takes place. The State as a democratic entity must play its role in the education system. In the past it did not play an appropriate role but allowed the Catholic Church use its power, and in the cases instanced here, abuse that power.

The report states that in some cases abusing priests availed of their roles in the school system. On page 187 it refers to Canon Clancy who it appears used his position as manager of the local national school to access children as young as nine years of age. On page 164 it states that Father Fortune as curate of Ballymurn was appointed chairman of the board of management of Ballymurn national school. He also gave religious instruction in Bridgetown VEC. These are just two examples in which the priest’s role as manager of a school was used to abuse children.

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The first way to do so is to give children power by ensuring that the Stay Safe programme runs in all schools. I raised this issue yesterday with the Minister for Education and Science. I do not accept that her Department will not exert its authority to ensure that every child has the protection of the abilities and skills the programme provides for children, parents, teachers and the community.

While I acknowledge that the Minister of State at the Department of Education and Science with special responsibility for children, Deputy Brian Lenihan, has worked hard on the vetting procedure, this applies only to those in a few categories in the education system. That needs to be introduced immediately. I agree with Deputy
[Ms O’Sullivan.]

Enright that it should be introduced for volunteers who have power in schools, whether on boards of management or other situations or organisations which have access to young children.

We also need stronger anti-bullying programmes in schools because these matters are related. There is an element of bullying in abuse and if children learn how to stand up to bullies they will have more power to stand up to abuse. We need to examine specific areas with regard to legislation because, for example, the churches are largely excluded from the equality legislation. Aspects of the Education Act deal with the ethos of schools. Parents can choose to send their children to schools with a certain ethos, or schools to maintain that ethos but parents who choose to send their children to multi-denominational schools also have rights and choices and I echo calls for support for Educate Together.

Within that framework, however, the Department of Education and Science has further responsibilities. Although an ethos should be maintained, the Department cannot give total governance of schools to religious or other bodies. We must examine the structure of boards of management and how we appoint and train teachers, particularly in the primary sector which is denominational.

The bishops choose the chairperson and formally appoint the other members of the boards of management and set up the panels to interview teachers. The State as a democratic entity needs to ensure that it balances the power of the hierarchical structures of the Catholic Church, which do business in a different way. Pages 25 and 26 of the report deal with those structures and the power of individual bishops, some of whom make good choices and decisions, particularly the present Bishop of Ferns and the Archbishop of Dublin. It is not mandatory, however, for bishops to adopt the framework they have agreed.

The strong individual powers within a hierarchical structure are very different from those within a democratic structure. We as legislators, and the Government, must ensure that the democratic structures have a better balance of power within the running of schools than they have now. The joint committees that will deal with the issues raised in this report must consider this in depth.

These matters are also raised on pages 37 and 38 in respect of Canon Law and the constitutional rights of churches. We need to examine the constitutional rights under Article 44.2.50 of churches to order their own affairs. How does this cross over with their role in schools? Are schools parts of church institutions or are they State institutions? Where do these constitutional rights intersect? The Minister of State, Deputy Brian Lenihan, has some knowledge of these matters but it is not clear. We need to know that the State has ultimate control over what happens in schools but we have not reached that point.

There is much more to be said. We need clear structures, protocols and arrangements for conveying information, including “soft information”, about people who might abuse children. We need to ensure that information is passed from one place to another where relevant, so that schools and churches are not islands unto themselves, and our democratic responsibility to all the children of the nation is properly followed through. We need to tease out further the important lessons in this document and implement the necessary changes.

Mr. Glennon: I wish to share time with my colleague, the Minister of State at the Department of Agriculture and Food, Deputy Browne.

While I am glad of the opportunity to contribute to such an important debate, like my colleagues I regret the situation that has given rise to this debate. Like Deputy Neville, I am a member of the Roman Catholic Church and describe myself as an à la carte Catholic. I also had an uncle, now deceased, who as a member of the clergy had a role in the Canon Law procedures concerning clerical abuse in the Dublin diocese.

The term “abuse” is facile and inappropriate in this context. We speak of the abuse of power, position, influence, and of children. It is not right to place the subject in respect of children in the same category as the other forms of abuse. The bodies, minds and integrity of these children were violated. We should refer to the perpetrators of that act not as abusers but as violators, a stronger, better word with a unique meaning eminently appropriate in these unfortunate circumstances.

There has been much criticism of church and State in recent weeks, much of it justified. The twin pillars of Irish society for so many years are on shifting sands. Both have been very slow to react and have earned themselves no credit. The State has been guilty of not listening. If it listened, it certainly paid no heed. Yet again we have the Irish phenomenon of missing files. What is it with us and missing files? We have them in the planning inquiries, in cases of Garda corruption and now in paedophilia. To me, missing files represent a complete exploitation of the presumption of innocence, one of the cornerstones of our democracy. As legislators we must bite the bullet and increase the onus on those charged with the custody of files, to ensure the information continued in them is available. There should be no lack of opportunity now to maintain an alternative or back-up file but I hope this is the last instance we have of worthwhile and vital investigations such as this being impeded and inhibited because of the excuse of missing files. I do not accept it for a minute, nor does anyone. “Miss-
culture and Food (Mr. Browne):
I thank Deputy circumstances, of whom there are all too many.

particular to the victims of this unfortunate set of service will be done to the State in general and in the utter integrity needed. If the integrity of this him. I have no doubt he will pursue his task with in the important and difficult task he has before ster of State, Deputy Brian Lenihan, all the best lary manner. I also wish our colleague, the Mini-conclude by congratulating Bishop Eamonn Browne, has some relevant remarks to make. I other words are inging for all of us and especially for people like spoke of the necessity for ending the special O’Donnell’s contribution. Deputy O’Donnell spoke of the necessity for ending the special relationship between church and State. I agree with her. That relationship has been evolving over the past number of years for the benefit of church and State. It was an unhealthy relationship for both institutions. The days of Canon Law having primacy over civil and State law are gone, and the sooner that becomes hard reality, the better.

The Catholic Church has been let down, first by a small proportion of its clergy, and also by Rome, which had the potential to deliver an objectivity to the decision-making process of the diocese, untouched by the human relations which obviously arise and which plagued this particular controversy. Rome let the diocese down. The diocese was also let down by its own structures. We know, as does everyone in this country, that the vast majority of priests are pillars of our society and essential elements of it.

I am conscious the Minister of State, Deputy Browne, has some relevant remarks to make. I conclude by congratulating Bishop Eamonn Walsh, who has dealt with this issue in an exemplary manner. I also wish our colleague, the Minister of State, Deputy Brian Lenihan, all the best in the important and difficult task he has before him. I have no doubt he will pursue his task with the utter integrity needed. If the integrity of this investigation falls short of 100%, a particular disservice will be done to the State in general and in particular to the victims of this unfortunate set of circumstances, of whom there are all too many.

Minister of State at the Department of Agriculture and Food (Mr. Browne): I thank Deputy Glennon for sharing time. We are all shocked and dismayed at the extent of the allegations of abuse detailed in the Ferns Report. It makes sorry reading for all of us and especially for people like myself, born and raised in County Wexford. While rumour and innuendo were about for a number of years, people in Wexford remain shell-shocked at the catalogue of abuse which the Ferns Report contains. We share the concern and heartache of many people as a result of the harrowing experience suffered by the victims, in some cases for years. They have shown great courage in coming forward to tell their stories to the Murphy inquiry. That was clearly not easy for them or their families.

As Deputy Glennon and others said in this House, there are some excellent priests, and those of us who are practising Catholics recognise some of the great work being carried out by priests in County Wexford and across the country. However, what happened in Wexford probably happened throughout the country. One would expect that the Dublin report and other reports throughout the country will be carried out as quickly as possible.

With the Catholic Church perceived throughout the world as a great institution, it is quite amazing that there seem to be no guidelines or rules in existence, or available to bishops, on how to deal with allegations against priests of child sex abuse. Reading the Ferns Report, it seems the bishops tried to deal with abuse allegations in their own ways, switching priests around, turning a blind eye and hiding behind Canon Law, but never taking decisive action to deal with the allegations.

Some people have expressed serious concern about priests being chairmen of school boards of management. Having talked to many priests throughout my county, I know that many of them would like to be relieved of those duties. The time has probably come for this to happen.

I too pay tribute to Bishop Eamonn Walsh. He has taken very decisive action with regard to Ferns and quite properly has dealt appropriately with all the allegations against priests from the time he was appointed administrator of the Ferns diocese and for all the time he has been there. It is generally recognised that no cover-up was involved and that every action possible was taken by Bishop Eamonn Walsh. He is to be complimented on that. I also compliment the Minister of State, Deputy Brian Lenihan, for taking decisive action in dealing with the issues.

The Ferns Report has been referred to the DPP. People in my county, and all of us, would like to see prosecutions of the perpetrators of such acts of violence against young people. I know the DPP is independent, but going by the evidence to be put before him, there is a hope in Wexford that decisive action will be taken and that we will see prosecutions of the persons involved.

Aengus Ó Snodaigh: Cuirim failte roimh an deis labhthar ar an tuairisc seo. Crith talún atá i gceist maidir le héigiuí agus brúidilacht a rinneadh ar pháistí i gceannairt Ferns, Loch Garman. Tá súil agam, cá nach gheireidim go bhfuil an ceart agam, nach mbeidh na tuairiscí atá le teacht chomh dona céanna is atá an ceann seo. Beidh orainn ar fad dírigh isteach ar na ceisteannta móra agus na freagraí ar ghaí duinne a thabhairt. D’aithne an tuairisc seo a lán ceisteannta faoi mhí-úsáid cumhachtach agus mhí-úsáid an seasaimh a bhí agus atá ag daoine airithe in eagrais laistigh agus lasmuigh den eagrais. D’aithne sé ceisteannta móra maidir le teip an Stáit iad siúd atá i mbaoil a choisiant. Tá sé rithábhachtach go bhfuil aithne go mór iad ceisteannta a thagann ar an tuairisc seo agus go ndéanfaimid beart dá réir. Ní fuí na ceachtanna a fhoghlaím muna bhfuil muid sásta beart a dhéanamh dá réir.
I join my colleagues in paying tribute to the courage and strength of the many victims of child abuse on this island and, in particular, to those who helped Mr. Justice Murphy ensure that the truth emerged in the Ferns Report. I hope that other victims will have the same courage when they receive opportunities, whether in Dublin or elsewhere in Ireland, to expose the systematic abuse of young children perpetrated over a number of decades within the church and other institutions.

Both the United Nations Convention on the Rights of the Child and the Child Care Act 1991 enshrine the principle that the welfare of the child must be the paramount consideration in all decisions and interventions. If the Government is to deliver on this moral duty and legal obligation, a number of issues must be addressed. My colleague, Deputy Ó Caoláin, identified a number of measures and Deputy Crowe made the case for providing resources for Children First. Funding should also be made available directly to the youth work sector to enable it to deliver appropriate child protection training specific to the needs identified by that sector. This might be rolled out under the aegis of the child protection unit of the National Youth Council of Ireland and would encourage sectors which work directly with children to take on extra responsibilities. However, if they do so, we will have to fund them.

The upholding by the State of its special responsibility to protect children must be underpinned by prevention and response. As Sinn Féin spokesperson for justice, equality and human rights, I will elaborate further on recommendations made by Deputy Ó Caoláin on Garda vetting and training.

For every employee working with children in this State, there are at least 20 volunteers. In September 2004, the Minister of State with special responsibility for children, Deputy Brian Lenihan, announced that the Garda Síochána’s vetting services would be extended to cover volunteers who work with children, a declaration which was widely welcomed. More than one year later, there is still no sign of this being delivered. Yesterday, in the wake of the Ferns Report, the Minister for Education and Science, Deputy Hanafin, indicated that volunteers will not be vetted in order, she claimed, to protect volunteerism. This notion is at stark odds with the reality that the main source of demand for the vetting of volunteers is the voluntary sector itself. The Government’s ongoing failure to deliver this essential element in the prevention of child abuse is unacceptable.

The Garda Síochána is the only agency in the State with statutory responsibility for the investigation of child abuse. As such, it is imperative that every garda receives comprehensive child protection training to a level adequate to equip him or her to address child protection issues. Only a select few gardaí have received such training. I urge the Minister of State, Deputy Lenihan, and the Minister for Justice, Equality and Law Reform to ensure this training is made compulsory for all new and existing gardaí. It should be developed, resourced and rolled out as a matter of urgency.

It is scandalous that we must address a report such as this, that these events occurred in the first instance and that the complete facts of the matter took so long to come before this House. Those involved in the Murphy inquiry did tremendous work in bringing forward these findings and should not be slighted. However, these events were covered up for many years.

Other Deputies referred to files that went missing. Every inquiry this House initiates seems to involve missing files. That in itself is a scandal and I expect that charges will be laid by the Director of Public Prosecutions against those who were involved in cover-ups, interfering with the work of the inquiry or the destruction of files.

Every Member of this House would welcome charges which send the message that the State will do its utmost to ensure events such as these will never be repeated and that anybody who contributes to cover-ups involving the abuse of children will face the full rigours of the law.

A number of the priests who abused children in Ferns also committed similar deeds in other dioceses. Further reports on these matters will reveal the full extent of this horrific scandal, the consequences of which this society will have to address. Members of this House must give their full backing to measures that will ensure such a scandal will never happen again.

The definition of physical abuse, as outlined by Children First, includes injuries resulting from neglectful failure to protect a child. The Government, Garda and those who hold positions of power and respect have the duty to protect children with whom they come in contact or who may be put in danger. I put it to the Government that the demands made by Sinn Féin and others must be met if the next generation of children is to be protected from abuse. Abuse should not be inflicted on a child by the Catholic Church, State institutions, schools, sporting organisations or in any situation where children are in the care of adults.

We must put in place the best possible protections and preventative measures and, should abuse occur, we should not wait decades but respond as quickly as possible. This is not a party political issue but a societal one. Child abusers should be dealt with effectively. I hope the DPP will bring charges against those who violated the trust of children and society.
Mr. Mulcahy: I read the Ferns Report on two occasions and join others in praising the courage of those victims of child sexual abuse who have come forward voluntarily to give evidence. These acts of courage were borne out by the judgment of Mr. Justice Murphy. The process was obviously distressing and hurtful and impacted on the private lives of the victims and their families, but their decisions to come forward with evidence have been helpful. A learning process for this society must be at the core of this report. I disagree somewhat with the previous speaker in that this matter is not about prosecuting people per se but is about examining a sorry chapter in the history of the diocese of Ferns and the terrible wrongs perpetrated on a large number of young people.

I also pay tribute to the team who delivered this report, in particular retired judge, Mr. Justice Frank Murphy, formerly of the Supreme Court, Dr. Helen Buckley and Dr. Laraine Joyce. I have read numerous reports over the years but this one is a model of clarity and succinctness. I particularly like the fact that, in one chapter, all of the allegations of abuse are set out, item by item and then, in a later chapter, again on an itemised basis, one can see and easily follow the nature and extent, if any, of the State agency response to that abuse. It is easy to follow and comprehensive.

We should remember that this was not a typical judicial inquiry, in that it was entirely voluntary in nature. In that context, I wish to refer to a section from Chapter 8, Conclusions and Recommendations, which states:

The persons against whom the allegations were made were not given an opportunity to confront or cross-examine the complainants in the course of this Inquiry. The Terms of Reference of the Inquiry require it to identify the allegations of child sexual abuse as reported and to consider the response to those allegations by the appropriate authorities. Such response could not be predicated on proving the truth or otherwise of such allegations. The Inquiry does not express, and was not required to express any view as to the truth or otherwise of any allegation.

Therefore, judicially, all of these allegations are actually unproven. They may have been given under oath and so on but they are not proven in the sense that evidence was properly taken either in a court of law or before a judicial inquiry. That is as it should have been because the key point is for the State to look at itself and see whether the response of its agencies — the Department of Health and Children, the health boards and, in particular, the Garda Síochána — was adequate. All Members of the House who read the report can see that the response varied from case to case.

I wish to focus on the response of the Garda authorities. They are criticised quite strongly, particularly in terms of keeping inadequate records. There also seems to have been a reluctance to investigate in certain cases, particularly those dating from before 1960. In fairness, however, if one reads the chapter where all the responses of the Garda authorities are detailed, the inquiry finds that most of the responses were quite good or quite adequate. In fact, the word “adequate” is used a great deal. Therefore, other than the unacceptable failure to keep records and the pre-1960 reluctance to investigate, it seems that Garda investigations were fairly adequate.

Unfortunately, not enough people were prosecuted for abuse at the time. Formal complaints were made in respect of ten priests and seven investigations were conducted. No prosecution arose in one case, the remaining six were prosecuted, with only three criminal convictions secured. As part of the lessons for the State, we must acknowledge that the number of convictions was very small.

I welcome the setting up of the commission of investigation, under Ms. Justice Yvonne Hardiman, into the Dublin diocese in the period 1975 to 2004. I read the comprehensive speech delivered by the Minister of State, Mr. Brian Lenihan, and accept his statement that:

It is proposed that the commission may investigate the situation in any Catholic diocese in the State following a notification from my office that the diocese may not be implementing church guidelines on child sexual abuse by a priest or religious or a notification that a diocese may not be implementing satisfactorily the recommendations of the Ferns Report.

I was not totally happy with that paragraph, however, because it appears to be putting the onus back on the church authorities to police themselves.

More importantly, perhaps, I wish to repeat a question posed in The Irish Times today. Why is there only an investigation into the Dublin diocese? I do not know the answer to that question. It is possible that clerical child abuse may have been a widespread practice in the 1950s, 1960s and 1970s. Therefore, is there not a case for a more general investigation? This is not a question, as the Minister of State also argued, of a grand inquisition into the Catholic Church. Rather, we need to look at ourselves, as a regulatory body and as a State, to see how we responded to allegations of child sexual abuse in every diocese. I understand that the new commission of investigation will only examine the period between 1975 and 2004. I hope the Minister can indicate why earlier periods are excluded. Why are the 1950s, 1960s and early 1970s not included in the investigation?
In general terms, I agree with what the Minister of State said. I too am appalled, shocked and dismayed by what I read. The report is a document of the utmost seriousness. By and large, the State and the monitoring agencies did not put adequate or timely monitoring procedures in place to stop the abuse. I do not believe we can ever completely stop it. However, all organisations, within their own cultures, must want to prevent a situation where this kind of thing can happen.

It is sad that it was the State, and not the church, that brought forward this document. The church has learned and has moved on. However, it is healthy for us to have this debate and I hope we will learn more and improve the situation for the benefit of the children of this country in the future.

Mr. Kehoe: I commend Mr. Justice Frank Murphy and the team who carried out the inquiry and compiled the report. On reading the report, it is obvious that much hard work, sweat, discussion, interviewing and reporting went into it and it is a very fine piece of work. I also commend the victims who came forward and had the courage to tell their stories because the stories they told are harrowing and saddening, both for them and their families.

It saddens me to speak on this subject. I come from the diocese of Ferns and I know, or know of, many of the victims. I also know some of those who carried out the abuse and this is very upsetting for their families too.

The Ferns Report outlines exactly what happened. The truth is in this report. As we have seen, there was a culture of secrecy that protected the abusers in the diocese of Ferns for many years. I have no doubt that secrecy about many other abusers exists in many other dioceses, not just within the church but also outside it. No child should feel unable to report anything that has happened to them. It is difficult for a child to come forward and report any type of abuse.

One story in the report relates to Vincent who decided to travel to Rosslare in Wexford at the age of 17 or 18 to find summer work. He arrived in Wexford by bus on Friday evening in the late 1980s and was looking for directions to a youth hostel. He noticed a priest, who turned out to be Fr. Séan Fortune, standing on the pavement. He trusted Fr. Fortune like he would a garda or any citizen because the priest was an upstanding man in the community. People should read about how Vincent was treated over that weekend, after which he was given money for his return bus fare. However, it was only when he saw the programme “Suing the Pope” that he told his story. This is one of many stories of young people and people in their late teens trusting an upstanding man in the community. On seeing the programme, it took courage for this man to report the incident. Any child or teenager who has been abused and who may now be in their 20s or 30s should come forward and report any incident because without their courage and strength, we would not be debating this report this evening.

While there are many fine organisations working in the field of child abuse, there is huge confusion at present in regard to reporting of abuse. For example, there are currently in the region of 17 organisations offering services to victims of abuse. The Government set up the commission to inquire into child abuse, which I welcome. There is also the Residential Institutions Redress Board, the National Office for Victims of Abuse, Comhar, the national counselling service operated by the Health Service Executive and many voluntary groups, such as the Samaritans, One in Four and so on. These organisations are doing excellent work in trying to help victims of child sexual abuse. However, we could improve the situation for them if there was one central organisation, which was funded by the Government, instead of one group looking for funding of €70,000 and another looking for funding of €100,000 just to remain in existence.

A central organisation should be set up which would have a helpline number like the ambulance service of the Garda. There should be a helpline number such as 999 or 111 and when a child rings up, he or she should be treated with the utmost respect, urgency, integrity and professionalism. I am not saying that the existing organisations are not dealing with child sexual abuse issues in a professional manner, they are doing so. However, as we have seen from the Ferns Report, people were afraid to report incidents. Some people did not even know where to go to report an incident. I call on the Minister to investigate the matter and come to some conclusions because he has the back-up to do so. This service should be funded and advertised in schools, on billboards, etc., so that every child is aware of how to report these incidents. If one asked children in primary school the number for the fire brigade, ambulance service or Garda, they would all know that it is 999. They should also be aware of a number to call if they are being abused.

Other countries such as the UK have many fine organisations. I refer here to Childline. These services can be very successful if they are provided with a helpline. I have no doubt that if such a service is well advertised, children and victims will know where to go. Mr. Justice Murphy made a similar recommendation in his report. He also noted the reluctance of some of the victims to report incidents to the authorities. People think that if they go to the Garda, the health service or wherever, everyone will know what has happened. The service will work if it is operated in a professional manner. The report also notes the
efforts being made to reduce this reluctance by enhancing public confidence in the reporting and investigative system. I believe the public will have confidence in such a service. People will have the confidence to pick up the phone and speak to someone.

I ask the Minister to take note of what has been said. I compliment Bishop Eamonn Walsh, the apostolic administrator of the diocese of Ferns, who has done excellent work in the diocese. I have no doubt he will ensure that the Ferns Report and the church’s recommendations will be implemented fully. He has done great work in child protection in County Wexford in setting up a group within the church, for which he must be complimented.

The people of Wexford want to move on from here. They will continue to give the excellent church leaders, including priests and those who carry out pastoral duties, 100% support. I call on the people of Wexford to continue that support for the priests of the diocese because there are some excellent priests in the diocese. Again, I empathise and sympathise with the victims referred to in the report. We would not have this report if they had not come forward.

Mr. Carey: Like many of my colleagues, I also begin by paying tribute to all those who came forward to speak to the inquiry and outline the appalling abuse they suffered over a number of years. As the Minister of State, Deputy Brian Lenihan, said, these courageous people have offered the inquiry, and Irish society as a whole, a crucial, though harrowing insight into the nature and extent of this problem and the lasting trauma that undoubtedly it can cause.

The witnesses who came forward have shown the strength of character and courage which has also been evident to all of us who met with survivors of abuse over the years. I wish to express my sincere thanks and appreciation to them because, without their statements, the report would not have been compiled.

As others have done, I pay tribute to Mr. Justice Murphy and his team. As well as increasing public awareness and understanding of the horror of child sex abuse the report he and his team has produced provides practical and far-reaching recommendations to strengthen child protection measures. Their extremely beneficial work must be recognised. I pay tribute also to a former Member, George Birmingham, an eminent senior counsel who did a preliminary inquiry which laid the foundation for this inquiry. He deserves a great deal of thanks from all of us.

I preface my remarks by offering a word of support to those priests who have done no wrong. They too deserve our support and sympathy at this difficult time. They have been badly let down by a small number of their colleagues in a most evil fashion. I too welcome the statement by the church authorities that they intend to introduce the inter-agency review as well as the current Ferns model in all areas. I was heartened to hear two members of the Catholic hierarchy, Bishop Willie Walsh of Killaloe and the Archbishop of Dublin, Dr. Diarmuid Martin, this morning putting to rest any lingering doubts we might have about the earnestness of the Roman Catholic hierarchy’s wish to cooperate with all the inquiries. If there was any lingering doubt about the primacy of State law over Canon Law, I hope it has been laid to rest. I think there was some concern in certain quarters that the tenets of Canon Law may, in certain circumstances, take primacy over State law.

The Ferns Report makes for some extremely disturbing reading. The stark reality of the abuse suffered by children and young people and the lack of support and assistance provided to these people at their time of greatest need was in a culture of secrecy, bullying, dominance and over-bearance by the clergy involved in this horrific abuse. The victims, children of all ages, suffered the most awful forms of sexual, physical and psychological abuse at the hands of these clergy. Furthermore, they suffered in silence. Betrayal and inaction on the part of the church meant the church placed the protection of the most vulnerable below their concerns to protect themselves and the church. Were it not for the courage of people such as Colm O’Gorman we would probably still be in the area of guesswork.

The report has had a major effect on the country as a whole. People are appalled, shocked and dismayed at the extent of the abuse outlined and the lack of response by those in charge. Its content has struck at the very core of our society, particularly given that those who carried out the abuse were figures who held responsible positions in society and who commanded trust and respect from all of us. It is clear from the report of the Ferns Inquiry that there was a general failure to recognise the terrible hurt and damage child sexual abuse can and does cause to victims and their families. Deputy Keogh cited one example but one can read other accounts whether families were broken and children were no longer trusted and loved by their parents in some cases. It is clear that prompt and effective action was not taken to protect vulnerable children over a period of many years. It is clear that child protection was way down the list of priorities.

As a society we must learn from the mistakes of the past and never allow what happened then to happen again. Our job in Government and as Members is to protect those within our country who cannot protect themselves. There have been shortcomings in the past. However, the abuse that has come to light in recent years and is so starkly outlined in the Ferns Report dictates that it simply cannot continue.
Developments have occurred under successive Governments during the past 15 years which have gone a considerable distance towards protecting our children. Educating our children on this type of abuse has been a priority of Government and the Department of Education and Science, in particular, in ensuring a high level of awareness and the necessary skill to address child protection issues is maintained in all schools. The Department has introduced child protection guidelines for primary and post-primary schools and has clearly defined procedures for reporting allegations or suspicions of child abuse. We have also sought to raise awareness of the issue in the school curriculum through the very good social, personal and health education and Stay Safe programme. It is a matter of concern that there are some schools that are not in a position to implement the Stay Safe programme. Whatever reticence there is should be addressed and clear positions should be adopted for the implementation of the programme.

The programme aims to introduce the vulnerability to child abuse through the provision of excellent in-service training for teachers, parent education and personal safety education for children at primary level. The programme aims to provide children with the skills necessary to enable them to recognise and resist abuse and teaches them always to speak out about any situation they find unsafe, threatening or abusive. It is a personal safety and skills programme which can be used with school children from senior infants to sixth class. It seeks to enhance children’s self-protective skills by participating in lessons on safe and unsafe situations, bullying, touches, secrets, telling and strangers. Deputy O’Sullivan raised the issue of bullying. That is one area that is not sufficiently addressed in the Stay Safe programme and may have emerged as a bigger issue since the Stay Safe programme was first drawn up. Notwithstanding these developments we cannot be complacent and must continually strive to put in place better safeguards to ensure the levels of abuse outlined in the Ferns Report can never happen again.

The youth work sector, the non-formal education sector, has led the way. I pay tribute to the Minister of State at the Department of Education and Science, Deputy de Valera, who has overseen the introduction of first-class training programmes for youth workers both full-time and volunteers. Organisations such as Catholic Youth Care in Dublin, the National Youth Council, the National Youth Federation and others, including the scouting organisations, have introduced programmes. If nothing else, such programmes can reassure participants, young children and young adults and especially parents that children are not at risk when they participate in out of school education. The practical guidelines have been touched on by a number of speakers. Nonetheless it is important to address them over and again.

On the issue of vetting procedures by the Garda, whatever resources, training or overarching mechanisms are required should be given to the Garda to ensure, in respect of those who work with young people, whether in a residential or community setting, that under no circumstances can a situation be allowed to develop where, because of trying to spare a few euro under a particular budget, somebody will suffer the satanic type of abuse outlined in the Ferns Report.

The fundamental imperative of all our actions must be the protection of the child. It is the duty of the Government to ensure that child protection practices are in place, stay in place and are continually monitored. Our duty as a Government and as a nation is to ensure these protection practices operate to the highest possible standard. If such horrific actions are to be prevented in future we must all work together to ensure every possible area is covered and that all recommendations are enforced.

Mr. Costello: Three years ago, an inquiry was established under the chairmanship of Mr. Justice Frank Murphy with simple and straightforward terms of reference, unlike those for the inquiry into the Dublin archdiocese that has recently been established. The first of these terms was:

To identify what complaints or allegations have been made against clergy operating under the aegis of the Diocese of Ferns in relation to alleged events that transpired prior to 10 April 2002 and to report on the nature of the response to the identified complaints or allegations on the part of the Church authorities and any public authorities to which complaints or allegations were reported.

I pay tribute to all the victims who suffered and then courageously came forward and spoke up, thereby making the inquiry so successful.

The inquiry carried out its works effectively and comprehensively. It identified approximately 100 complaints against 21 priests and detailed many of the horrific sexual assaults committed on young boys and girls in the Ferns diocese over long periods. Some 66 serious allegations of intimidation, sexual assault, rape and buggery were made against the notorious Fr. Seán Fortune. He was not removed from his ministry by either Bishop Herlihy or Bishop Comiskey but was moved from parish to parish. To compound the matter, he was not removed from the chair of the board management of Ballymun national school. He was even allowed to open youth clubs and build reconciliation rooms for young people in the basement of his house. Similarly, Canon Clancy was allowed to assault and rape young girls aged from nine to 15 for a period of almost
30 years from 1965 to 1992. He was also allowed to remain in ministry and, as manager of the local national school, he used his position to gain access to young girls.

One of the disturbing findings by the inquiry was that “at various points in time during that period, members of the Gardaí, the teaching profession, the medical profession and the Church were aware of rumours and suspicious concerning Canon Clancy but no action was ever taken against him”. I could give a number of other examples but the ones I have given are sufficient to highlight the abuse.

The report addresses a number of the recommendations to the Department of Justice, Equality and Law Reform. The astonishing aspect of the current state of the criminal law is that the superiors, who connived or were negligent in the cover-up of crimes committed by religious against children, appear to have committed no criminal offence. I do not believe that any of us appreciated that when we passed the Criminal Law Act 1997, abolishing what seemed to many to be the arcane offence of misprision of felony, we eliminated the possibility of a criminal offence having been committed in this area.

The report recommends consideration of a new criminal offence of “reckless endangerment”. This would be modelled on a 2002 amendment to the Massachusetts criminal code, which provides:

Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious bodily injury or sexual abuse to a child or wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty to act shall be punished by imprisonment in the house of correction for not more than 2 1/2 years.

This seems to be the basis of the Minister’s proposal.

The Labour Party wholeheartedly supports this recommendation, which the Minister for Justice, Equality and Law Reform has promised to insert as an amendment to the Criminal Justice Bill 2004. However, the Government needs to consider whether this is adequate. The creation of an offence along these lines will punish the individual who recklessly creates a situation of risk for children or who fails to alleviate the risk where there is a duty to act. However, it does not, of itself, create the duty to act and so the Government needs to consider on whom such a duty to act should be imposed. Related to this is the vexed question of mandatory reporting of crimes against children. Even with a new offence of reckless endangerment and even when we succeed in identifying those on whom there should be imposed a duty to act, it will remain the case that one could eliminate the risk of the future endangerment of a child while covering up that a child has already fallen victim to an act of sexual abuse committed by a known individual.

Mr. Justice Murphy says he did not consider the question of mandatory reporting since his terms of reference confined him to examining the practices of the Roman Catholic Church and such a practice had already been adopted on a voluntary basis by the church in 1996. In the absence of the benefit of recommendations from Mr. Justice Murphy we must work out an approach to this issue. Doing so has divided the Government parties in the past. In this regard, I oppose any blanket proposal that would compromise the ability of health professionals to provide therapeutic and other services to their patients. However, where a person is in a position of authority over another person, whether that authority is spiritual or temporal, and has information about crimes of abuse involving children committed by that other person, then the person in authority should be under a legal obligation to report those crimes. A failure or refusal to report such crimes, without reasonable excuse, should be an offence. While a reasonable excuse for not reporting might be that the victim is now an adult and will take no part in an investigation or prosecution, the general rule should be that those in authority should be obliged to disclose.

The State agencies in the Ferns diocese did not exactly cover themselves in glory. The inquiry found that the response of the South Eastern Health Board was inconsistent and inadequate in terms of support for the victims. The response of the Gardaí Síochána was also inconsistent and inadequate up to 1990 and many critical Gardaí files have completely disappeared. The response of the DPP was minimalist and “a prosecution was initiated by the DPP only where there were multiple alleged victims of an accused or in one case, where there was one victim and the incident was witnessed by family members”. It was not until 1991 that the Child Care Act put children first and stated that the State must “regard the welfare of children as the first and paramount consideration”.

The SAVI report of 2002 indicated that despite the extent of clerical child sexual abuse that prevailed in the Ferns diocese, 96% of child sexual abuse in Ireland is not clerical abuse. I compliment Colm O’Gorman and his team for the excellent and professional work that the One in Four group does. The 2004 report of that group stated that 27% of Irish women and men have experienced sexual violence as children and that adults who have experienced childhood sexual abuse are 12 times more likely to attempt suicide than those who did not.

It is time to grasp the nettle and declare this issue a national priority. It is time to initiate a national campaign to inform parents and professionals dealing with children. It is time to make children aware of their rights vis-à-vis adults in a
position of trust and authority over them and to introduce supervisory procedures pertinent to the role of those who work regularly with children. It is time to establish a full Cabinet post of Minister for children’s affairs.

We should further progress the Ferns report by referring it to a joint Oireachtas sub-committee, representing the areas of justice, health and education, which would hold a series of hearings, inviting representatives of the victims of child sexual abuse and their respective organisations to tell their stories as we did on release of the Barron report. The sub-committee should also hear from the perpetrators and the relevant State and church agencies.

I welcome the decision to establish a commission of investigation into the archdiocese of Dublin and I also welcome the statement by the Archbishop of Dublin that he will co-operate fully with it. However, I have severe reservations that the commission can carry out its work in the 18 months allocated to it, considering that the non-statutory inquiry in to Ferns, a much smaller diocese, took three years. Much preliminary work must also be undertaken before the main investigation can begin and the commission must also be on standby to investigate other dioceses that might be on notice to investigate other dioceses that

denial can begin and the commission must also be undertaken before the main investigation can begin and the commission must also be on standby to investigate other dioceses that will require investigation as clear, _prima facie_ evidence of widespread child sexual abuse in certain other dioceses already exists. We will argue these points in more detail when the terms of reference of the commission of investigation are put before the House. From now on, let us put children first.

Minister for Education and Science (Ms Hanafin): The Ferns Report made for some very disturbing reading. It details the stark reality of the abuse suffered by young people and the lack of support and assistance at their time of greatest need. I pay tribute to the courageous people who gave evidence of their experience of abuse to the inquiry and express my thanks and appreciation to them. Without their witness, the report could not have reached its findings. I also thank Mr. Justice Frank Murphy and his team for the considerable work undertaken by them in producing this report.

It is clear from the report that there was a general failure to recognise the terrible hurt and damage that child sex abuse causes to the victims and their families and that prompt and effective action was not taken to protect vulnerable children over a period of many years. As a society, we must learn from the mistakes of the past and never allow what happened to happen again.

In addition to increasing public awareness and understanding of the horror of child sex abuse, the Ferns Report provides practical and far-reaching recommendations to strengthen child protection measures in organisations working with children and to ensure a speedy and effective response to allegations of abuse. The Government has accepted the report’s recommendations in principle and is committed to their implementation by Departments and relevant agencies. My Department will participate fully in the implementation process which is being driven by the National Children’s Office under the leadership of my colleague, the Minister of State, Deputy Brian Lenihan.

The fundamental imperative is the protection of the child. Ensuring this requires the full engagement of the Government, the church and the community. Our educational institutions and policies have a key role to play. It is fair to say there has been a major change over the past 15 years in our approach to child abuse. Nonetheless, every effort must be made to preserve and strengthen the more open environment of reporting abuse which has recently developed. While there is a much greater understanding of the horrific nature of child abuse and a much more enlightened approach to treating the problem, it is reasonable to ask, in light of the Ferns Report, whether we are doing enough and whether we can do more to protect children and ensure they grow up in a safe and secure environment.

It is vital that we have effective child protection measures in our various educational settings. In recent years we introduced new child protection guidelines for primary and post-primary schools and clearly defined procedures for reporting allegations or suspicions of child abuse. We have also sought to raise awareness of the issue in the curriculum through social, personal and health education, SPHE, the Stay Safe programme and other initiatives.

Measures have been in place since 1991 to address child protection and child abuse prevention in schools. The 1991 guidelines were replaced by new child protection guidelines for primary schools which issued in 2001 and child protection guidelines for post-primary schools which issued in 2004. The publications were circulated to all schools, together with a copy of Children First, published by the Department of Health and Children. Each school is obliged to follow the guidelines. They emphasise that the safety and well-being of the child is paramount and that there is an obligation on schools to seek to provide pupils with the highest standard of care in order to promote their well-being and protect them from harm.

The Department’s guidelines set out the steps to be taken by school personnel should they suspect a child is being abused or are aware of allegations that a child is being abused. They also include guidance for boards of management with regard to dealing with allegations or suspicions of child abuse made about a school employee and for dealing with peer reviews and bullying by young people. A central facet of the guidelines is
the requirement for each board of management to designate a senior member of staff as the designated liaison person for the school. That person acts as a liaison with outside agencies such as health boards and as a resource person for any staff member with child protection concerns.

While dealing with investigations relating to allegations made about a school employee are a matter for the school authorities in the first instance, the Department’s position on this is very clear. The person being investigated should not have access to children while the investigation is ongoing. In general, the person is suspended, put on administrative leave or in some cases may go on sick leave. The child must be protected.

Yesterday, I referred in the House to the intention to introduce Garda vetting for all employees who have unsupervised access to children in our schools. Currently, Garda vetting conducted in the formal educational sector is in respect of special needs assistants, bus escorts and children detention schools. Some 17 additional staff, three gardaí and 14 clerical officers are being made available to the unit, bringing the total staff complement to 30. This will enable the unit to handle a greater volume of requests from employers. It will commence the augmentation of the vetting arrangements as soon as it takes up its new offices in Thurles.

The provision of the additional staff resources will enable the Garda vetting services to be extended to all persons working with children and vulnerable adults. This will include teachers, caretakers, bus drivers and others working with children. In looking at the position of those with substantial unsupervised access to children and-or vulnerable adults, the issue of how to deal with volunteers and other non-employees with access to children is also being examined.

It goes without saying that our teachers must be given the appropriate support and training to deal professionally and sensitively with child protection issues. In the past few years training has been provided to primary and post-primary principals and teachers on the implementation of the Department’s child protection guidelines and the role of the designated liaison person. Pre-service training is also provided by the colleges of education to ensure new teachers coming on stream are familiar with issues of child protection.

We also need to provide support and training for members of boards of management of schools. Over recent years funding has been made available to the various school management bodies for the board of management training. My Department has been developing new funding procedures covering all management bodies according to set criteria, which will include awareness of child protection issues. Support will be provided directly to management bodies to deliver their own training in line with the criteria and to the agreed standards.

Children nowadays are more confident and aware. Even among them, there is a greater awareness of child abuse as a potential threat. Much of this is due to the more open society in which we live. The curriculum has also moved on and has helped to raise awareness of the issue. Social, personal and health education is one of the seven curriculum areas in the revised primary school curriculum introduced in 1999. It has been implemented in all schools since September 2003 and is taught to pupils from junior infants class up to sixth class. From the beginning of their primary schooling children learn in an age appropriate way how they develop, the importance of caring for oneself and others with dignity and respect and how to identify people, places and situations that may threaten personal safety. For example, the curriculum for third and fourth classes provides for the child being enabled to identify situations where he or she is being touched inappropriately, being asked to keep a difficult secret that is worrying or that makes him or her feel uncomfortable.

We also have the Stay Safe programme in primary schools which aims to prevent child abuse. This programme aims to reduce vulnerability to child abuse and bullying through the provision of inservice training for teachers, parent education and personal safety education for children at primary school level. This programme is on offer in the majority of our schools. I encourage those schools that do not offer it to offer it now. It gives children the skills necessary to enable them to recognise and resist abuse and victimisation. It teaches them that they should always tell of any situation they find unsafe, upsetting, threatening, dangerous or abusive. The programme has also been modified for use with children in special education. It can be of real value to children in all our schools.

I and my Department are very conscious of the fact that every child in the country attends our schools, from the age of four or five to 18. These children need our protection. We have strict guidelines, rules and procedures. We will continue to keep these under review because the protection of the child is paramount.

Mr. Boyle: I will share time with Deputy Timmins. In the litany of statements today we have heard expressions of sadness, disappointment and, wholly justified in the circumstances, anger. The debate may to some extent have helped to obscure rather than illuminate the issues we are here to discuss. I do not doubt we are talking about a pre-eminent religious organisation in this State. We must not lose sight of the role of the State in delegating and abrogating its authority in respect of the interests of its citizens, whose tragic circumstances are described in the Ferns Report. This House must take its share of the collective responsibility for the problems.
[Mr. Boyle.]

In 1972, the people of the State voted to remove the Roman Catholic Church’s special position in the Constitution. That change to the Constitution was not followed through with further legislation. The Ferns Report makes clear that the level of deference that was shown to that church by the agencies of the State remained unaltered, unfortunately. Some 25 years after that referendum, State institutions like the Garda Síochána and the health boards acted in a deferential and reverent manner in their dealings with that church, rather than taking the action that should have been taken. It is a source of huge disappointment to me that Irish society did not progress in the manner it should have after 1972. I see signs in today’s debate of continuing residues of deference towards the Roman Catholic Church. For example, most Deputies have spoken about “the church”, obviously referring to the largest religious organisation in this country. When one considers that its membership includes the vast majority of the Members of the Oireachtas and the citizens of this country, regardless of whether they practise their religious beliefs, it is obvious the Roman Catholic Church is this country’s predominant and pre-eminent religious organisation.

The Ferns Report is a damning indictment of the State’s failure to put in place a clear distinction between its role and that of the religious organisations. As it tries to prevent further actions which might lead to the publication of future reports like the Ferns Report, the House should be clear about how that distinction needs to be made. The circumstances in which the Roman Catholic Church continues to provide health, education and social services which the State is unwilling to provide must be open to question. In providing many such services and advocating positions of social justice, the Roman Catholic Church articulates positions of real social justice of which the Government has lost sight. That church can be over-concerned about matters of sexual propriety, however. The contents of reports like the Ferns Report have demonstrated to us that the Roman Catholic Church no longer has any moral justification for using its influential position in Irish society to make such arguments.

When we discuss the Roman Catholic Church, we are not talking about “the church” but about “a church”. I am concerned about the State’s role and relations with that church. I question that church’s future role in the educational system. I would like to ask the Minister for Education and Science, who has left the Chamber, why it continues to be the case, 33 years after the constitutional referendum to which I referred, that the patronage of the vast bulk of our national schools is automatically vested in this particular church.

Why should we not have a debate on how we can make our educational system more democratic?

Mr. B. Lenihan: We had such a debate in 1998.

Mr. Boyle: The reality is that the patron system is still in place in the vast majority of schools.

I would like to use the short time available to me to speak about the role of the State, particularly in respect of mandatory reporting. Members of the House have received copies of the Irish Society for the Prevention of Cruelty to Children’s most recent report, which mentions that mandatory reporting has been advocated in no less than five reports over the last 15 years. It was recommended in the Law Reform Commission’s report on child sexual abuse in 1990, the report of the Kilkenny incest inquiry in 1993, the Kelly Fitzgerald report in 1996, the report of the Madonna House inquiry in 1996 and the Ferns Report in 2005. We have seen 15 years of inaction on foot of the reports, however, as no legislation has been presented to the House. No steps have been taken at political level by any of the Governments which have been in office during that time, to provide for mandatory reporting. The failure of successive Administrations to take action in this regard is a terrible indictment of our political system.

Acting Chairman (Cecilia Keaveney): There are just four and a half minutes remaining in this time slot.

Mr. Boyle: I did not start to speak until 6.40 p.m.

Acting Chairman: According to my clock, which is counting down the time, there are four minutes and seven seconds remaining in the slot.

Mr. Boyle: I have not been speaking for five minutes.

I am tired of listening to “I stand by the Republic” speeches, made by people who have been in Government over the last 15 years, during which time nothing has been done in legislative terms to tackle the problem of child sexual abuse. We need to be honest in this House, but many Members have not been honest today, unfortunately.

Mr. Timmins: I thank Deputy Boyle for sharing time. I wish the Minister of State, Deputy Brian Lenihan, well with the grave and serious task he faces. If, over the next year or so, he addresses the issues which have been raised in the Ferns Report, he will certainly “have done the State some service”. I caution him not to restrict himself to the narrow but necessary confines of the Ferns Report and its recommendations, which comprise the tip of the iceberg in respect of this
serious situation. I will not defend the case of the church because I accept that what happened was absolutely appalling. We should remember, however, that the exact same thing happened in many other organisations, such as the boy scouts and many sporting groups. I ask the Minister of State not to put all his energies into an examination of the church. He should look outside the box. When he introduces new legislative measures, he should ensure that they apply to every organisation.

During a debate about the Kilkenny incest case in the Seanad in July 1993, the then Minister for Health said “at that time the procedures which are now in place for the detection and investigation of sexual abuse had not been developed”. Ten years on, we are discussing the abuse of many young people in the Ferns diocese. Many of the people in question were abused when they were teenagers, rather than when they were kids. They reported the abuse in the early part of this decade after Bishop Walsh established the Ferns Inquiry. Many of us who are speaking as part of this debate are in a comfort zone because a report has been published and recommendations have been made. When we have finished expressing our horror at the contents of the report and saying that it must not happen again, we can close the book in the knowledge that someone else is looking after the matter and we can move on to the next project.

I was very angry after I received a copy of the Ferns Report. I read the first 20 pages of it, skipped through the rest of it and read its recommendations this evening. I was not angry because of the contents of the report, but because I believe child abuse, which is the subject of the report, is still happening in this country this evening. I am sure that as I speak, some young child is being abused. He or she does not know what is happening to him or her. That abuse is being facilitated by our society’s shortcomings, such as its failure to recognise and deal with this issue. The Seanad was told in 1993 that proper procedures were “in place”, but it is obvious that was not the case.

I would like to refer to some aspects of the Ferns Report, such as its reference to the “powerlessness” of children. We all went to secondary school. I knew St. Peter’s College in Wexford well — I played football against that school — and it always struck me as a normal school. It is troubling to think that students in the school, who were then aged 14, 15 or 16, were terrified because things were happening to them and they could not report it. The Ferns Report states that child sexual abuse may be committed by people of apparent charm, intelligence and high repute. It is obvious that paedophiles are not normal, but they are manipulative. People who abuse children are not those whom one might suspect as being engaged in such behaviour. It is possible for a paedophile to pass as an outstanding and righteous member of society. The report mentions that people who have a propensity to sexually abuse children are attracted to careers which give them easy access to children.

Acting Chairman: The Deputy should conclude.

Mr. Timmins: It is terrible that I have to conclude after such a short time because I have a few more important points to make to the Minister of State, to whom I do not attach any blame. I received one of the most traumatic telephone calls of my life from a person in my constituency last week. The person did not know where he could go or to whom he could turn. A publicity campaign is needed to publicise the number of a telephone line that victims of clerical and institutional abuse can ring. A few months ago, I spotted an individual, whose photograph appeared in newspapers in the last few weeks, in a public place where children were present. I knew at that time that the man in question was a child abuser who had been given a jail sentence. I am not saying the man in question was doing anything wrong, but it sent a shiver down my spine.

Mechanisms must be put in place whereby people who hold positions of authority, be they in business or in charge of child facilities, know who these people are when they are out in the community. This is very important. I regret that I must finish. We must put mechanisms in place so people can report child abuse. We have a difficulty in this country with the concept of informing but a person who reports on harm to children is a true patriot. We must also educate our children.

Minister of State at the Department of the Taoiseach (Mr. Kitt): The Ferns Report is a contemporary Pandora’s box, containing as it does, distressing accounts and narratives of innocence destroyed, vulnerability exploited and power abused. However, it also carries hope for the future. I wish the Minister of State, Deputy Brian Lenihan, well in the important work that lies before him. The report states:

The members of the Inquiry would express the hope that should the type of abuse chronicled in this Report ever occur again, there will be mechanisms and procedures in place which will enable victims promptly to report the abuse in the confidence that they would be believed and the certainty that appropriate action would be taken to terminate the wrongdoing.

That really sums up what this is all about. The Ferns Report is a distressing document, relying as it does on the simplest of print formats to present its harrowing and disturbing account of, on the one hand, a hidden Ireland, and on the other, an
Ireland where attempts to uncover wrongdoing went unheeded and often not believed.

It is impossible to talk about the Ferns Report without referring in some meaningful way to the accounts relating to victims and alleged victims of clerical abuse. In fact, not to do so would be to do a disservice to those who have shown such bravery in coming forward and telling their stories. What is painfully clear from the Ferns Report and from evidence generally is that not all victims of sexual abuse lived to survive their ordeal. Some were so badly scarred that, sadly, they took their own lives. What a truly horrendous price to pay — loss of innocence and loss of life. One of the most disturbing aspects of the Ferns Report is the many accounts of how children had brought their abuse to the attention of elders, respected elders and people in positions of authority, but were not believed or were discredited.

One example of this is Stephen, whose abuser, the now deceased Fr. Seán Fortune, continually abused him from the age of 13, culminating in violent rape. Stephen courageously reported the abuse to the principal of St Peter’s College who “reacted angrily to him and refused to believe him”. What is a child to do in these circumstances? What avenue is left open to people who, when they report such abuse it is simply brushed aside? Stephen made his complaint under the threat from Fr. Fortune that he would be expelled from the college, a fate that according to the devious Fr. Fortune, would “cause great hurt to his parents”. This, among many other incidents outlined in the report, indicates abusers who knew very well, all too well, the power and influence they held over those in their care, for long or short periods of time. Fr. Fortune and others abused their position of responsibility within the community and abused their roles as pastors, their relationship with their parishioners and above all, abused innocent boys whose only failing was to trust those in positions of authority, in whom society had placed its trust.

This report provides us with a vividly distressing account of how abuse took place, where it took place and how it was perpetrated in its many manifestations. The Ferns Report tells us fundamentally about innocence abused and trust and respect misplaced. It tells us also of the overriding priority that the protection of the institution took over the protection of children. Like others, I acknowledge and appreciate the work of Mr. Justice Murphy, Dr. Buckley and Dr. Joyce. I also commend Archbishop Diarmuid Martin and Bishop Eamonn Walsh for their leadership roles in this sad episode. I also avail of this opportunity to commend and offer words of support and encouragement to the many clergy who have toiled so courageously and selflessly over generations and whose reputations have been collectively tarnished by association.

I wish to reply briefly to comments made by Deputy O’Donnell who said earlier that the special relationship with the Catholic Church must end. The Catholic Church does not have a special relationship with the State based on its creed. It is true that in its role as a provider of services in education and health it has a partnership role like other religious organisations. The days are thankfully long gone when an archbishop would have a quiet word in the ear of a Minister before the Government would introduce legislation. In Ireland of 2005 we do not prioritise the Catholic Church over any other church and I could not see myself being part of any Government that would do so.

I make these comments at a time when the State is undertaking an important process of church-State dialogue, an institutional dialogue not just with the Christian churches, Catholic, Protestant and eastern Orthodox churches, but also the Islamic community, Buddhists and the Humanist Association of Ireland among others. This dialogue which is being established by the Taoiseach’s Department will take place between the State on the one hand and church and faith based communities and non-confessional organisations on the other. This is a healthy, progressive and even historic development, reflecting the Ireland of today which, as we all know, is a multi-ethnic and multicultural society.

I have no doubt that these organisations, churches and individuals with their wealth of experience and knowledge will assist us greatly in developing our policies into the future. We already engage successfully and productively with the social partners and many non-governmental organisations in the formulation of Government policy. This new form of dialogue will be in all our interests. I make these comments to clarify as far as I am concerned the true relationship between the Catholic Church and the State. This dialogue is taking place in the spirit of article 52 of the proposed European constitutional treaty. We are the first member state of the European Union to take this step. Structured dialogue with the churches offers the opportunity to listen anew in an open and transparent way to the inner voice in the Irish and European tradition. The constitutional reference to the Catholic Church is long gone.

The Ferns Inquiry exposes failures on many fronts, by the church, the State, the Garda and our health and educational systems. A collective effort is required to ensure we do not fail in future. In my opening remarks I referred to the hope expressed in the Ferns Report that should such sexual abuse as chronicled in this report ever occur again, adequate and appropriate procedures and mechanisms would be in place that would enable victims to promptly report the
abuse in the confidence that they would be believed. I am convinced the Government has taken the correct approach. The announcements made yesterday by my colleagues, the Minister for Justice, Equality and Law Reform, Deputy McDowell and the Minister of State, Deputy Brian Lenihan, will put procedures in place to deal as comprehensively as possible with this important matter and will provide the highest possible level of protection for our children. This will require a collective effort by us all.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): In the short time left I thank Deputies for the high level of interest shown in this debate and for their constructive contributions. In particular, I record my thanks to the many Deputies who wished me well in the task to be performed by my Department, the Health Service Executive and other statutory agencies in the implementation of the report.

The Government intends to implement all of the recommendations of the Ferns Report. I was delighted to hear this commands universal support and encouragement from within this House. Naturally, questions were asked about certain matters. I am very short on time but I wish to make the point that the key recommendation in the Ferns Inquiry is the establishment of the inter-agency approach at diocesan level. My colleague, the Minister for Justice, Equality and Law Reform, has often discussed and elucidated the culture of confidentiality and secrecy to which some aspects of Canon Law have led. It is clear that the establishment of the inter-agency group at diocesan level will ensure a culture of openness, the assessment of information and co-operation with the civil authority will take place once that machinery is put in place. That is why I attach enormous importance to that recommendation.

Deputies were naturally concerned that we do not have universal vetting in terms of negative criminal clearance of all persons who have unsupervised access to children. The position is that we only started having vetting in 2001. We have made considerable progress since then in extending it to the entire health sector. I am pleased to say that I secured the necessary staff last year to extend the service. Premises have been identified in Thurles and the office is due to open next week. I understand the service will be rolled out on a phased basis to all the other sectors. My colleague, the Minister for Education and Science, outlined her plans in regard to the education sector. The voluntary sector is also very important in this context. I thank Mr. Paul Gilligan, the chief executive officer of the Irish Society for the Prevention of Cruelty to Children who is working on the implementation group on the vetting proposals.

Naturally the debate was considerably wider than the Ferns Report, which is welcome. It would not have been open to me as Minister of State to go into some of those wider questions, as my focus must necessarily be on the recommendations in the report, but given the unanimous support the recommendations commanded it is no surprise that Deputies availed of the opportunity to canvass wider questions about the relationship between the Holy Roman Catholic and Apostolic Church and the State.

Before going into that question I wish to deal with a matter raised by Deputy Mulcahy that was not specifically in regard to the Ferns Report but related to the commission of inquiry announced for the Dublin archdiocese. The difficulty is that some line must be drawn in regard to inquiries. We have all had a particular experience in this House in regard to inquiries into planning matters and how the setting of certain terms of reference can lead to an inquiry that appears to go in many directions. Both the Minister for Justice, Equality and Law Reform and I are anxious to ensure the focus of this inquiry is clearcut.

Private Members’ Business.

Road Safety: Motion (Resumed).

The following motion was moved by Deputy Olivia Mitchell on Tuesday, 8 November 2005:

That Dáil Éireann,

noting:

— that 323 persons have been killed on our roads in the first ten months of 2005;

— the number of persons killed or seriously injured on our roads in the first ten months of 2005, is now higher than for the same period in 2004;

— that the number of fatalities last month was almost double that for October 2004;

— that the number of fatalities last month was almost double that for October 2004;

— that the Government is failing to achieve its target of reducing road deaths by 25%; and

— that the Government’s failure to put in place the enforcement and legislative measures necessary to reduce road deaths and fatalities is aggravating the level of carnage on our roads;
calls on the Government to:
— implement in full the commitments contained in the National Road Safety Strategy 2004-2006;
— guarantee the complete roll-out of the penalty points system and the achievement of the full complement of the Garda traffic corps as an urgent priority; and
— immediately establish a road safety authority with a dedicated, rolling budget to act as a single agency with statutory responsibility and extensive supervision, decision-making and management powers in relation to road safety.

Debate resumed on amendment No. 1:
To delete all the words after “Dáil Éireann” and substitute the following:
“— notes that Government policy since 1998 on road safety has provided a framework for the delivery of reductions in road deaths on a sustained basis;
— notes the progress already achieved in relation to the roll-out of the penalty points system and the commitment of the Minister for Transport, the Minister for Justice, Equality and Law Reform and the Garda Commissioner to advance a further major extension of the operation of that system as quickly as possible;
— notes that the Government has decided to pursue arrangements for appropriate private sector involvement in the deployment and operation of speed cameras;
— acknowledges the progress being made by the Garda Síochána in increasing the strength of the Garda traffic corps in line with the commitments made by the Minister for Justice, Equality and Law Reform;
— notes that the Minister for Transport is pursuing legislative proposals for the establishment of the road safety authority and that the new authority will have a central role in the co-ordination of the delivery of road safety programmes; and
— acknowledges and supports the Government’s continued commitment to the delivery of the policy initiatives set out in the Road Safety Strategy 2004 to 2006 and its continued efforts to realise the target set in the strategy to reduce road deaths to a total of not more than 300 per annum by the end of 2006.”

(Minister of State at the Department of Transport, Deputy Callely).

Mr. Mulcahy: I thank Members of the Opposition for tabling this motion on an important matter but it is based on a false premise. It notes that 323 persons have been killed on our roads in the first ten months of 2005. However, there is no mention in the motion of the substantial increase in car registrations. If one goes over the number of road deaths in recent years and the number of new car registrations, one would come to the reasonable conclusion that the number of road deaths as a percentage of cars on the road is decreasing. In the period 1998 to 2004, there were 40% more vehicles on our roads. There were 472 fatalities on our roads in 1997, 458 in 1998, 413 in 1999, 415 in 2000, 411 in 2001, 376 in 2002, 335 in 2003, 374 in 2004, which is a provisional figure, and 326 so far in 2005.

One life lost on our roads is one too many. We should not look at this problem in an abstract way. It is a scandal and a shame that anyone is injured on the roads. As a Government backbencher, I do not mind saying the Government could do even more in this area. I am not convinced that the resources have been applied by this or previous Governments. Is anything more important than road safety and people’s lives and health?

Another criticism I have of the motion is that it does not mention something which will be the greatest contributor to road safety, namely, the new transport plan, Transport 21. With a network of hugely improved roads, I have no doubt that there will be a massive decrease in the number of road injuries and fatalities. If the Opposition was a little bit more mature, the motion would have welcomed the new transport plan.

The EU third road safety action plan has set a target of a 50% reduction in road deaths across the EU by 2010 but that is not enough. We can do better than that. I genuinely believe this issue should be at the top of every EU government’s agenda. However, it is not only a matter for central government. Local authorities have a critical role to play in regard to the design and construction of roads. They also have a role to play in regard to lighting and signage on roads. Local authorities throughout this country fail miserably under those headings.

There is no question but that the penalty points system has had a beneficial impact. There are four categories to which it applies but I would like the number of categories to which it applies greatly expanded. I welcome the Opposition raising this issue but its motion is lacking in credi-
bility and honesty and I commend the Government amendment to the House.

Cecilia Keaveney: It gives me no pleasure to discuss the issue of road safety on the basis that I come from an area which has endured a significant number of roads deaths over the past 18 months. Deputy Mulcahy said one life lost is one too many. If Deputies had attended as many corpse houses of young people under the age of 23 or 24 as I have, it would focus minds on the fact we all have a responsibility to ensure all those on the roads at the same time as us are safe. In one sense, I am delighted to get the opportunity to speak on this issue but it raises the question for me and for the many people in my constituency who are grieving having lost someone and wondering what we could have done to prevent these deaths. If events have had one result, they have focused people’s minds in my area on that question. I do not believe any one approach or any one Government will provide a solution to this issue. We must take a broader approach. We probably need pilot schemes in particular areas.

An issue which is not helping is the fact the Department of the Environment, Heritage and Local Government deals with certain roads while the Department of Transport deals with others. I tried to get fluorescent bands placed around the base of traffic islands so that if the lights failed for whatever reason, the car light would reflect on the band. Each time I asked the Department of Transport, I was told it was the responsibility of the Department of the Environment, Heritage and Local Government and when I asked that Department, I was told it was up to the county councils. Each county council has the right to make a decision in that regard. There is also the question of whether roads funding and other issues relating to roads should be the responsibility of one Department instead of being split between at least two Departments. Perhaps that would result in a better focus.

The recent speed limit changes have resulted in speed limits on some roads being too high while being too low on other roads. The speed limits are not realistic. There should be some way to expedite the process whereby roads, particularly on which speed limits are the equivalent of 50 km/h, are brought back to 60 km/h where appropriate conditions are met. There is no point looking for the traffic corps to implement speed limits which are unrealistic.

I welcome the recent assignment of a traffic corps to my peninsula. I am glad it is focusing on the real issues. On its first weekend, it caught seven drunk drivers. People must know they will be caught. However, that is not the only issue. There is no point always going out with a big stick. People must have a sense of responsibility. When we are driving, our passengers and our- selves must feel safe and other drivers must get a sense that we respect ourselves and others. Car safety programmes are in place in Sweden, an issue I will raise with the Departments of Transport, the Environment, Heritage and Local Government and Education and Science. A successful programme is being run in Sweden on passenger safety with the intention of awarding passenger licences. It is aimed at primary schools so that as children are growing they develop a better understanding of the implications of speeding and carelessness on the road. We should consider such novel programmes adopted by other countries in the context of road safety.

Drink and drug driving must constantly be tackled. My committee had a debate on the increasing use of drugs earlier. If fatalities or serious injury are caused by a road crash, the drivers involved should be mandatorily breath tested. Advanced driving courses are needed. While the cost of car insurance has decreased, which is welcome given the difficulties experienced by young drivers, insurance should be used to encourage people to improve their driving on the basis that if they drive well, their premia will be reduced. That is a carrot as opposed to a big stick. More interaction is needed between the Garda and our youth on the issue of responsible driving. Driving lessons for transition year students on school grounds have been suggested. They can learn to drive in a confined, safe environment and develop good driving practices. Designated safe areas for young people to drive at speed have also been suggested so that they can get their adrenaline rush. Young people driving dangerously in souped up cars is a desperate problem and they are a danger to other drivers. The Department of Transport should be responsible for all roads issues.

Mr. Curran: I welcome the opportunity to contribute to the debate. I am sad and disappointed that 326 people have lost their lives on our roads so far this year. I know a number of the victims and their families. Numbers can be cold because they do not adequately reflect the significant suffering families endure. I recently visited the family of a 16 year old girl in my area who was the victim of a hit and run accident. No words can adequately express the grief the family is experiencing. However, in addition to the fatalities, a significant number of people have also suffered horrific, life changing injuries and they must also be considered.

While the annual number of fatalities on our roads increased from 335 in 2003 to 374 last year, as Deputy Mulcahy stated, it must be borne in mind that there is an ever increasing number of vehicles on the roads. Approximately 1,000 new vehicles are put on the road weekly. The introduction of the penalty points system resulted in a
radical change in driver behaviour and attitudes and this led to the reduction in road fatalities in 2003, which was the lowest number for 40 years. While the number increased last year, it did not increase to the level experienced in the late 1990s. For example, there were 452 fatalities in 1997 and 458 in 1998, despite the increasing number of cars on our roads.

Perhaps we should examine a number of factors that have contributed to the improvement. The penalty points system has had a beneficial effect. The safety standard of new motor cars is improving all the time with new cars having more safety features. The national car test ensures older cars are better looked after. Many roads have been improved considerably in recent years and awareness and education campaigns have had a positive effect. Garda activity has increased with the establishment of the traffic corps being particularly welcome.

The question is often asked during debates on road safety about whether additional speed cameras would be a deterrent. I am a member of the Committee of Public Accounts and approximately one year ago we had an interesting meeting with officials of the Department of Transport and members of the Garda. We examined the operation of the existing speed camera system and one of the committee’s clear findings was that the high visibility of mobile Garda patrols was beneficial. The committee was of the opinion that such patrols were the greatest deterrent. I am particularly pleased, therefore, that the Garda traffic corps, which was only established one year ago, will increase in size rapidly over the next number of years. By the end of this year, it is expected to comprise 563 members and it will comprise 805 by the end of 2006, which I welcome.

I have a reservation about the effectiveness of the GATSO vans used by the Garda. They often pull in beside main roads picking on soft targets. Garda enforcement should be targeted more at secondary roads, which are not designed to be driven on at high speeds, yet cars are driven at the speed limit of 100 km/h or above on these roads. Garda resources should be targeted at these roads. Other Members mentioned that local authorities have conducted reviews of speed limits and I agree they are still out of line with the standard of the roads. I visited County Cavan recently and travelled on a secondary road with a speed limit of 100 km/h. However, when I met an oncoming car, I had to pull into the ditch because there was not enough room for two cars. Appropriate speed limits and adequate enforcement are needed. The Garda concentrates too much on main roads when enforcing traffic laws. Many road accidents involving younger drivers take place at night on secondary roads where they drive at high speeds. The Garda needs to be more targeted in its approach.

The number of road fatalities in recent years indicates the introduction of penalty points had a significant initial impact but, like many other initiatives, its impact has waned. The extension of the penalty points system must be accompanied with education and public awareness campaigns if it is to continue to have the effect it had when it was introduced.

Mr. Glennon: Like my colleagues, while I am glad to have an opportunity to contribute on this important topic, it does not give me satisfaction to have to deal with it. I am interested in the number of road fatalities in recent years. In 2003 there were 335 deaths on the road, compared to 472 in 1997. When one takes into account the number of additional vehicles on the road over that period the statistic is particularly striking. Any death from negligence is unacceptable but our task as legislators is to ensure the least possible number of deaths on the roads.

It is significant that the introduction of penalty points in 2003 coincided with the least number of deaths. Penalties are the key to this issue and penalty points prove that. I do not agree with Deputy Curran on high-visibility Garda presence. The primary function of gardaí is investigating accidents rather than preventing them. Penalties are the means of prevention. Random breath testing for all drugs, including alcohol, cannot be introduced quickly enough. As a member of the Committee on Transport I look forward to discussions in a few weeks between the Minister for Transport and the Opposition spokespersons on the introduction of random breath testing. I hope it will be introduced for all drugs including alcohol, which tends to be overlooked but must be dealt with.

More stringent penalties must be considered and a system of impounding and confiscating vehicles after accidents must be examined. We must consider mandatory sentencing for certain offences and, in some instances, the removal of the option of suspension of sentences. Yesterday, a large proportion of a sentence was suspended and suspended sentences do not appear to have the deterrent impact on the public that good sentencing should have. We must examine this beyond road traffic offences. Many constituents have made suggestions on the leniency of the Judiciary in road traffic offences, such as dangerous driving or technical offences involving tax or insurance. Inconsistency and leniency exist in respect of these.

I congratulate a constituent of mine who has fought a long campaign on the evil of drunken driving, Ms Gertie Shields. She is the chairperson of Mothers Against Drunk Driving. Ms Shields suffered a personal loss that drove her to involve-
ment in this campaign. She is not involved in the politics of the most recent tragedy. Her campaign is ongoing as ours should be.

Mr. Kelly: This has been an interesting debate on an important subject. Despite the recent upsurge in road deaths, I congratulate the Minister and his Department on the marked improvement in road safety. The culture has started to change. Since the introduction of the first national road safety strategy, 1997-98, a change has taken place. Death and carnage on the roads was costing the country a significant amount of money and was taking a toll on families and individuals. I express my sympathy to all bereaved families. It is very sad to learn of road deaths.

In the past, injury and death was a common occurrence. Every morning brought news of two or three accidents and something had to be done. The initiative was taken by the previous Administration in publishing the road safety strategy in 1997-98. The downward trend of deaths and injuries over past years is proof that a coordinated, strategic, properly-funded approach to the education of road users, the design of roads and traffic calming measures, strong enforcement of legislation and ongoing monitoring and research can make travel safe for all road users.

We are all road users, using footpaths and roadways. It is in everybody’s interest that measures are taken to prevent accidents. The current Government and the previous one led the way in the introduction of a dedicated Department of Transport. Raising public awareness is essential in changing attitudes. As we have seen in the campaigns on drink driving, seat belt use and other issues, a well constructed advertising and education campaign, supported by good legislation and strong enforcement, alters the population’s attitude.

One’s speed, route and destination are matters of choice and people must take responsibility for their actions. This message has been received over the years and an illustration of the cultural change has been the use of seat belts. For many years, taxi drivers, bus drivers and others in similar occupations would not consider using seat belts. The introduction of rules, making it mandatory to wear a seat belt, has worked despite widespread objections from those who suggested it would not work and would require too much monitoring.

Despite recent figures the trend on our roads is one of a steady decline in the number of collisions and injuries. According to independent opinion, fatalities and serious injuries fell significantly in 1998, 1999 and 2002 following the introduction of new road traffic measures. The level of fatalities in 2003 was the lowest since 1964. These decreases coincided with a quadrupling of the number of drivers and vehicles. When the economy started to recover there was a noticeable upsurge in the number of people driving cars. In Ballymahon and Longford town in my constituency I used to see one car parked outside each house. Nowadays I see two, three or four cars parked in the driveways. Given an upsurge in road use it is logical that the number of accidents will increase. Recent measures take this trend into account and the strategy planned for 2004-06 goes further in underpinning them.

We must maintain the progress that has been made thus far. I congratulate the Government on the investment it has made in improving the roads system. This year an additional €34 million is being invested in our non-national roads. Driving around the country, as most of us do in the course of our work, one cannot escape the noticeable improvements in the road network. Clearly, much work needs to be done on secondary rural roads, but significant strides have been made. The Department of Transport, in conjunction with the Department of the Environment, Heritage and Local Government and the local authorities, has made significant progress and should be congratulated on doing so.

Acting Chairman (Mr. Sherlock): I am advised that the Technical Group has a 20-minute slot and it is up to its Members to share that time.

Mr. Gregory: That is correct. I wish to share time with Deputies McHugh, Connolly, Gormley and Crowe.

Acting Chairman: Is that agreed? Agreed.

Mr. Gregory: Despite what the previous speaker said, it is probably true to say that in this country the most dangerous place to be is in a car on our roads. I cannot think of any more dangerous place. I want to focus on the issue of road accidents involving heavy trucks. I understand that following all road accidents, the Garda Síochána forwards detailed reports to the National Roads Authority and each local authority to establish accident causes and trends. As well as using these reports, it would be a useful exercise to commission a separate study into accidents involving trucks and to make recommendations based on the findings. I am focusing on trucks for a specific reason. If a car is hit by a heavy truck the strong likelihood is that there will be fatalities and horrific injuries. The fatalities will almost always be among the passengers or driver of the more vulnerable vehicle, namely the car. The truck driver will be either slightly injured or, as we hear so often in news reports of such horrific accidents, suffering from shock.

We are told that in the region of 15% of fatal road accidents involve trucks. However, what percentage of all accidents involving trucks result
in fatalities or serious injuries? I expect the percentage is very high. Despite that, however, it may surprise many road users that the rules of the road specify a speed limit of 80 km/h or 50 mph for trucks and coaches. How many of us see trucks travelling at less than 50 mph? The fact that trucks, which are lethal weapons, ignore these speed limits is a scandal. It is also a scandal that to some degree this problem is being swept under the carpet.

Many people in control of trucks drive recklessly, irresponsibly and far faster than is permitted or safe for other road users. If they are involved in a road accident, however, the odds are that they will not be injured unless they are unlucky enough to be hit by a heavier truck.

There is a need to establish the facts concerning truck driving in this country, to discover whether trucks keep within speed limits and whether the law is rigorously enforced. We must ascertain whether additional measures are needed to ensure that the number of people who die or are injured as a result of accidents involving trucks can be reduced.

Mr. McHugh: This motion is welcome. In addressing road safety, the House must have regard to the dangers posed to school children in this regard. It is nothing short of scandalous that school children's lives are being put at risk every day by motorists speeding past schools on primary, secondary, regional and country roads. As matters stands, such drivers can legally fly past schools at speeds of up to 100 km/h, which is approximately 63 mph. It takes 80 yards for a vehicle to come to a halt when travelling at 100 km/h on a dry surface. The corresponding distance is 137 yards on a wet road. It is difficult to control children at the best of times due to their youthful exuberance. It is extremely irresponsible to allow uncontrolled speeding to continue outside national schools where children congregate and interact in a robust manner.

In my constituency, a school may be located across the road from sporting facilities, which further endangers the lives of school children. It is frightening for groups of children to have to cross a main road from their school to a football pitch when motorists are travelling at up to 100 km/h. I can imagine no other country where a Government, particularly a Minister for Transport would allow the lives of school children to be put at risk in such a callous manner. Nonetheless, it appears that this reckless situation will not be dealt with immediately. This is because measures to ensure the safety of our school children are delayed to allow designers to produce new road signs.

A circular has been issued by the Department to local authorities informing them that a standardised sign is being designed. Consequently, local authorities will have to wait for the new design to be unveiled before manufacturers can start to produce the road signs. While awaiting the arrival of the new signs, our school children's lives are put at risk. There is no justification for further procrastination. I urge the Minister to ensure that local authorities can proceed immediately to create controlled speeding zones outside national schools.

Mr. Connolly: Following the introduction of penalty points approximately two years ago, there was an immediate and welcome reduction in the number of fatal and non-fatal road casualties. This was clearly attributable to the fear of enforcement, financial penalties and increased insurance costs, but when people realised that there was no visible element of enforcement and they could flout the law, the numbers rose again. Laws must be seen to be enforced. If a deranged person continually went into shopping centres at the weekend and shot five or six people while injuring many others, there would be an outcry. In the case of road accidents, however, there has been a meek acceptance of what is happening. When it comes to car crashes, people seem to think, “But for the grace of God, there go I”. That is the prevalent attitude. At bank holiday weekends, gardaí maintain high visibility checkpoints. They advise us not to drink and drive, yet each holiday weekend brings its own degree of tragedy on the roads.

There are well-known methods for reducing fatalities on the roads and if they can work in other countries there is no reason they cannot be used here. For example, the authorities in New Zealand operate a driver curfew from 10 p.m. to 6 a.m., which has reduced road accidents. If that measure can have such a dramatic effect in New Zealand we should consider employing that and other ideas that have been tried and tested abroad.

People may experience difficulties finding a taxi to drive them home after attending a social function. Members of my family have had to wait for up to two hours for a taxi and considered themselves lucky when one arrived. People can also be stranded when roads are icy or foggy. Recently, a judge in Monaghan said he was considering not granting late night extensions to premises unless they could prove that a taxi service was available to take people home from such functions. It is unacceptable that late night extensions are granted willy-nilly without provision being made for people to return home safely.

We must examine road signs in the context of the recent changes from miles to kilometres per hour. A speed limit of 80 km/h is in force on some side roads. One can drive at 80 km/h on those roads where there is only space for two bicycles.
to meet. One is in danger walking on them as pedestrians regularly have to stand into the ditch. The speed limits on these roads should be lowered. It gives some people a thrill to drive at 80 km/h on a narrow road fit only for single lane traffic.

In Castleblaney two people were killed crossing the road because they fell into the blind spot of a lorry. We should proactively cover these blind spots, whether by using sensors on lorries or whatever. These factors should be urgently examined because they cause death and will continue to do so.

There are other anomalies, for example, in the workplace one’s skills would occasionally be tested but one gets a driving licence when one is 17 years old that serves for a lifetime. There should be test periods. The only test period applies when one loses one’s licence and has to re-sit the driving test.

Mr. Gormley: On 11 October last I asked the Tánaiste why two years on from a promise given by the then Minister for Transport, Deputy Brennan, random breath testing had not been introduced. In her reply the Tánaiste said “there are complex reasons for the difficulties in this matter”. The current Minister for Transport, Deputy Cullen, added “There are constitutional issues to consider”. Since then he has told the Joint Committee on Transport that he is committed to the Government’s road safety strategy pledge to introduce random testing by the end of 2006 but insists that the legislation must be legally sound and have all party support.

I ask the Minister of State to stop the delaying tactics. There are no difficulties on this side of the House, in the same way as there were no difficulties in respect of the ban on smoking in the workplace. The Government had total support, and it has full and unequivocal support from the Green Party and the other Opposition parties to introduce random breath testing.

The Government should stop making excuses and introduce this measure which will save hundreds of lives. The facts speak for themselves: 33% of all fatal collisions are associated with alcohol consumption. Some 89% of blood and urine assessments, and 81% of breath specimens analysed in 2003 by the medical bureau of road safety were above the alcohol limit for driving. This suggests that many people are driving who are over the limit.

When random breath testing was introduced in Victoria, Australia it was an outstanding success and prevented many accidents associated with alcohol. That state has witnessed a dramatic reduction in drivers killed: in 1987, 49% of all drivers killed there were found to be in excess of the alcohol limit but in 1992 that number had been halved. The evidence exists.

The Minister of State could this evening pass by a large pub whose car park is full of vehicles. We know that people are consuming alcohol then getting into their cars. If we introduce random breath testing that practice would end and there would be a dramatic reduction in fatalities. That is what must be done. Diageo and other members of the drink industry support random breath testing. Let us forget the pretence. There is no opposition on this side of the House. We will support the Government on this.

I can hardly hear myself speak because people in the front row are speaking.

Mr. G. Mitchell: I am listening to the Deputy.

Mr. S. Power: Maybe co-operation on the Opposition benches is not as good as the Deputy expected.

Mr. Gormley: The Minister of State will see our full co-operation.

Mr. McGinley: We agree with everything the Deputy says.

Mr. Gormley: I thank the Deputy.

Cycling has not been mentioned but in this city it is extremely dangerous. Transport 21 has not addressed the difficulties that we cyclists must face daily. Many parents will not allow their children cycle to school for obvious reasons. Cycling must at some stage become not just a leisure pursuit but a means of transport, if we are to deal with many problems including global warming.

The Government must make cycling safe. There are too many fatalities. I have lost too many colleagues and friends in cycling accidents. One talks about the dangers when a truck and car collide but a cyclist has no chance in a collision. I urge the Minister of State to make cycling safe.

Mr. Crowe: The immediate establishment of a road safety authority is probably the most pressing of the proposals in this motion. It would exercise ultimate authority and responsibility for measures and policies in respect of road safety. The current system seems to be confused between the Department of Transport, the National Roads Authority and local authorities. When something goes wrong it is not clear who, if anybody, is responsible or will do anything about it.

A recent accident argues the need for this road safety authority starkly. A year ago a young woman was killed in a road accident on the N59 in County Mayo. The events before and after this accident illustrate the problems arising, unless responsibility for implementation and enforcement are clearly defined and under the remit of one body. The stretch of road where the accident
happened had only a base course, lacking the essential surface dressing which provides grip and prevents skidding. Despite NRA guidelines which mandate that no white line can be laid until the surface dressing is applied and where the speed limit exceeds 50 km/h, a white line was laid.

An accident was sure to happen on this stretch of road with a speed limit of 100 km/h. Prior to the fatal accident there was a non-fatal crash, mirroring the circumstances of the later accident but no action appears to have been taken. The road continued to be used at 100 km/h with no signs to warn motorists, resulting in a tragedy that could have been avoided.

Despite the absence of signs and warnings, Mayo County Council subsequently claimed this was an unfinished stretch of road, which is questionable given the presence of the white lines and the NRA regulations on these. The NRA seems to use this claim as a reason not to get involved. The Health and Safety Authority when consulted refused to become involved, on the basis that no builders’ vans or other machinery was present and the road was therefore not a workplace. Any inquiries to the Department of Transport yielded the standard response, namely, that the Minister had no responsibility for this matter as it fell under the remit of the local authority.

This is the strange case of a road that was not quite a road, a completed road that was not completed and work in progress that was not a workplace. It would be funny were it not so tragic. Without wishing to prejudge the report on the Meath school bus tragedy, which has been withheld, similar issues to those I have raised here were mentioned in that inquiry.

To ensure international best practice on our roads in all areas we need a single agency where the buck stops. As long as there is a multi-agency approach with no clear definition of responsibility, issues will continue to be kicked from pillar to post, delays will occur, mistakes will not be rectified and avoidable tragedies will continue to occur. Surely the families of accident victims have enough with which to deal without being sent to different agencies. I support tonight’s motion in calling for the immediate introduction of a road safety authority.

Mr. G. Mitchell: I wish to share time with Deputies Kehoe, Enright, McGinley and Deenihan. Each year more then 40,000 deaths are caused by road traffic accidents in the EU and, in addition to this unacceptable human suffering, there are substantial direct and indirect costs which have been estimated at €180 billion or 2% of EU GNP.

This is particularly important while the road safety standards and practices in the new member states are considerably lower than in the EU 15.
an accident occurs, has the potential to greatly reduce the number of fatalities and injuries as well as stress in post-crash situations.

Some of these new ideas may be known to the House or to the Minister. I raise them for two good reasons. The figure for deaths on the roads so far this year is around 380. Three times as many people have died on the roads as died in Northern Ireland in the same 30-year period. That is a shocking indictment. When we think of all we did to help solve the Northern Ireland problem, which had to be done, we need to do something similar about deaths on the road. We must look at new ideas — if not the ones I mentioned, then others.

I ask the Minister of State to address one issue in particular when replying. I understand that the statistics of the community road accident database show that on average the number of males killed on our roads is almost triple the number of women. What specific measures is the Government taking to encourage a greater culture of safe driving among men in Ireland, particularly among young men? What can we learn from this and what emphasis is the Minister of State putting on this aspect?

I commend my colleague, Deputy Olivia Mitchell, for tabling this motion. A British government study recently discovered that around 20% of accidents on long journeys on truck roads and motorways are caused by fatigue. We must address these issues. We must approach this in a different way.

Mr. Kehoe: It seems that my party raises the issue of road safety every year. The Government has done nothing about it. The proof is that the number of road accidents and the numbers killed on our roads have increased rather than decreased. The numbers of young people under 30 being killed on the roads increases every year. The Government is not getting the message and is not trying to solve the problem.

I will give an example of the NRA and a county council at loggerheads over placing road signage. In my constituency this morning an articulated lorry overturned at a roundabout. This is the tenth lorry in recent months to have overturned on this roundabout going into Rosslare harbour. This is a major problem at that location. I was told this evening that although most of the accidents which take place there involve lorries from overseas with overseas drivers, Wexford County Council cannot put up signs in European languages at the approaches to the roundabout. The council has been told that it will take four to five months before the NRA can give it permission to erect any sort of warning signage.

This is a scandalous situation involving two State bodies, the NRA and the council, at loggerheads, trying to come up with some form of safety solution and unable to do so. I call on the Minister of State to give a satisfactory answer on why a solution cannot be found. It might save lives. There are many similar locations across the country.

We must consider the numbers of European drivers visiting Ireland, especially over the summer months. There are very few European road safety signs on our roads. We must be proactive. The many drivers who come here from France, Germany, Italy and other countries must be catered for, just as they cater for us in their countries. I ask the Minister of State to look into this as a matter of urgency.

Ms Enright: I welcome the opportunity to speak on this important issue which unfortunately is not being sufficiently recognised and dealt with.

The quick responses to terrible accidents which we have seen in some areas are not enough. There is a lack of Garda visibility on our roads. It is clear to anyone who travels the road that Garda presence is very hit and miss. We go through periods of great action as we did during the past two or three weeks. Several people have said that to me recently. We also go through long periods of inaction when Garda visibility is very poor.

As far as I know, there is no law with regard to the visibility of pedestrians requiring them to wear a yellow jacket or arm-band for example. I would like the Minister of State to take the issue on board. If there is a law, I would like to see it implemented, and if not, legislation must be introduced. Pedestrians walking on unlit, dark, wet roads primarily place themselves at risk. This is a particular problem in rural areas where at any hour one can come across someone walking in the dark and invisible until the last moment. That is also a risk to the driver of a car and to other road users, as the driver will swerve if he or she sees someone only at the last minute. This needs to be dealt with and would not cost a fortune. It could have a very good outcome if we concentrated on it.

Last year, the Minister for Transport missed an opportunity to do something about speed limits outside schools. The limits should be compulsorily reduced by way of national legislation rather than leaving it to individual local authorities. If there are cases to be made — though I believe they would be very few — outside particular schools for whatever reasons, a local authority might be allowed change the speed limit, but in general the limits should be reduced as a matter of urgency. Many schools have raised this issue with me. Local authorities sometimes do not even review the local speed limits once a year. They have to consult the Garda, give public notice, enter discussion and so on. It is a very
slow process, and while it is ongoing children’s lives are at risk.  

Why has there been a delay in the penalty points enactment, with only four of the 69 areas earmarked for points enacted to date? As gardaí claim that they have difficulties with the system, the fault seems to lie on the other side of the House. Significant cultural changes are needed in this area.

While the absence of statistics on excessive consumption of alcohol by people killed in car accidents means that I must rely on anecdotal evidence to make my points, discussions with young people indicate that drink driving is taboo to the majority of them. However, I would like to know how many of the young people who died over the past few years had alcohol in their systems. Two issues that need to be addressed with regard to young people are speeding and drivers who overestimate their abilities. A more visible Garda presence will cause people to behave differently out of fear of being caught.

The delay in driver testing hinders the resolution of these problems. Significant delays are experienced at each of the three test centres located in my constituency. Almost 50% of those who take driving tests fail, which means they are not safe drivers. However, we allow them to return to the roads. Immediate reforms are needed to the system, including the regulation of driving instructors and, as was called for by Deputy Gay Mitchell, improvements in the structure of the driving test. Those failing the test need to learn their errors because it is nonsense to send them away without informing them why they failed. I ask the Minister of State to consider these issues.

Mr. McGinley: It is timely, opportune and appropriate that we are discussing this motion and I thank Deputy Gay Mitchell for bringing it forward. I hope that Members will forgive me for confining my remarks to the disturbing number of fatal accidents experienced recently in my county. Tragically, the people of County Donegal have become accustomed to waking up on Saturday and Sunday mornings to news reports of serious and often fatal accidents in different parts of the county involving young people in cars or pedestrians or cyclists.

An examination of the past year will reveal a litany of terrible accidents. Most recently, 8 and 9 October was a black weekend for County Donegal, with the tragic deaths of five young people, most of whom were teenagers, on the Inishowen peninsula. Not long before that, on a Sunday afternoon in September, three people lost their lives in a road accident near Ballintra in the south of the county, of whom one was a close friend of mine.

To date this year, 26 people in County Donegal have lost their lives in road accidents. In 2004, the figure was 30. With two months left of this year, there is no guarantee that we will not reach last year’s disastrous levels. How can one explain that almost 10% of road fatalities in this country occur in County Donegal? Serious questions need to be answered as to why the level of road deaths is so high in a county which accounts for 3.5% of the total population. Every part of the county has been affected by this waste of young lives. Families and communities have been shocked and traumatised by the needless loss of lives.

County Donegal’s Border location is a contributing factor to the slaughter on its roads. Some reckless drivers from Northern Ireland cross the Border and indulge in speeding without fear of penalties for infringements of safety regulations and the same is probably true for those who go from the Republic to Northern Ireland. Harmonisation of policy on both sides of the Border is of critical importance. I concur with the comments made by my colleague, Deputy Gay Mitchell, on this matter. A discrepancy exists between kilometres on this side and miles on the other and points given in Northern Ireland are not recorded in the South.

Gardaí in the county are doing their best with limited resources but they cannot counteract by themselves the culture of living dangerously which seems to have convinced many young people that they are invincible. The prevalence of mobile telephones means that young people have a sophisticated communications system at their disposal to avoid gardaí and engage in handbrake turns and doughnuts with virtual impunity. Gardaí need the support and help of the entire community. Public co-operation is crucial in ending the epidemic of road deaths in Donegal.

Mr. Deenihan: Ireland has 2.2 million licensed drivers out of a population of 4 million. Approximately 350,000 of these drivers possess provisional licenses, which is one of the reasons for the high fatality rate on our roads. In 2003, 335 people were killed on Irish roads and the figure for this year is 380, as well as 3,000 injuries.

I would like to refer to the issue speed cameras and hope that the Minister of State will respond. The 100 private speed cameras which were promised in the 1998 road safety strategy did not materialise. These cameras were again promised in the road safety strategy for 2004 to 2004. The legislation needed to allow for the outsourcing of speed cameras to private operators has been promised for next year. Will the Minister of State indicate whether the necessary provisions will be introduced? By the time the legislation is enacted, two national road safety strategies will have passed without the complete roll-out of the 100 cameras promised in 1998. It has been demonstrated in the UK, France and Australia that...
already been made across a range of key areas

A motorcyclist is 17 times more likely to be killed in a road traffic accident than a car driver and one dies every week on Irish roads, yet the Government has not delivered on its promise to introduce compulsory basic training for motorcyclists. It is important to make young people aware of the risks of this activity.

The numbers of motorists who are suspected of driving under the influence of drugs has increased by 30% in 2005 but no system is in place to deal with drug driving. Roadside equipment to test for drug driving is being piloted in the UK and I suggest that similar measures be adopted here as soon as possible.

I concur with Deputy Gay Mitchell that a number of accidents, especially those occurring during daylight hours, are fatigue or stress related. People, particularly those travelling between Cork or Limerick and Dublin, drive under stressful conditions and do not get sufficient rest. The practice whereby people fall asleep at the wheels of their cars should be discouraged.

Although the Minister for Transport has promised for some time that legislation would be introduced to ban the use of mobile telephones while driving, no measures have yet been brought. Legislation should be introduced as soon as possible to prevent accidents which occur because people cannot watch the road while using their mobile telephones, particularly when traffic is bumper to bumper.

The chairman of the National Safety Council, Mr. Eddie Shaw, has been critical of the Government on its failure to implement the national road safety strategy. Recently, he estimated that the number of annual road fatalities in this country should stand at 240, a figure which represents six deaths per 100,000 people. The numbers killed on our roads imply that 140 people are dying unnecessarily every year and 1,200 suffer serious injuries.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): I thank Members from all sides for their contributions to what has been an open and interesting debate on road safety. I am particularly encouraged by the acknowledgement of a number of speakers, in particular Deputies Olivia Mitchell and Shortall, that road safety is an area of public policy that should not be the subject of political point scoring.

Deputy Shortall listed a range of issues referred to in the road safety strategy where she claims progress has not been made. As the Minister of State, Deputy Callely, pointed out in his contribution yesterday evening, progress has already been made across a range of key areas identified in the strategy. He also confirmed that the Government remains fully focused on the delivery of the overall range of initiatives that are scheduled for delivery within the planning horizon established for the strategy.

The issue of random breath testing was referred to in the contributions of many Members, including Deputies Olivia Mitchell, Shortall, Jim O’Keeffe and Coveney. Deputy Shortall also raised the question of the charge imposed following conviction for drink driving offences.

The first road safety strategy, which related to the period 1998 to 2002, indicated that while the Government would consider the possibility of some change to the position that prevailed in advance of the publication of that strategy, it did not envisage the adoption of the unqualified application of random breath testing by the end of the period in question. Subsequently, the Road Traffic Acts were amended to provide that the Garda Síochána may require that all drivers involved in road collisions or detected committing any traffic offences must submit to roadside breath tests. This is in addition to the power to demand that a driver who, in the opinion of a garda, has consumed alcohol must submit to such a test.

The road safety strategy acknowledges that the absence of full random breath testing places unnecessary constraints on the Garda Síochána in its capacity to enforce drink-driving laws. The Government is pursuing the recommendation in the strategy by seeking to identify an approach that would be the most appropriate for this country. The Minister for Transport has offered to meet the Chairman of the Joint Committee on Transport and the transport spokespersons of the political parties to discuss this issue so a formula that crosses political boundaries can be identified.

The proposal in the road safety strategy to advance random breath testing represents one of a number of linked initiatives in the area of drink driving that will be pursued together. These include the introduction of an administrative disqualification as an alternative to a court appearance for certain drink driving offences, an increase in the disqualification periods which apply to drink driving and an increase in the charge imposed by the courts on those convicted of drink driving as a contribution towards the costs of the medical bureau of road safety in carrying out its analysis.

Deputies have referred to the question of motorcyclists on provisional licences being obliged to display L-plates. In line with the commitment given in the Road Safety Strategy 2004 — 2006, a requirement will be introduced that motorcyclists with a provisional licences display L-plates in common with other provisional licence holders.
With regard to training of motorcyclists, the strategy states that it is the intention over the course of the relevant period to introduce compulsory initial practical training for motorcyclists before they are permitted to drive alone on a public road. Primary legislation is necessary to facilitate the introduction of such training for motorcyclists and it is proposed to include the appropriate amendment on Committee Stage of the Driver Testing and Standards Authority Bill 2004. As indicated by the Minister of State, Deputy Callely, last night, this Bill will be retitled the Road Safety Authority Bill.

The registration of driving and motorcycle instructors will involve a test of the competence of individual instructors. Responsibility for the implementation of a system of registration will rest with the new road safety authority, as will responsibility for overseeing the introduction of compulsory initial practical training for motorcyclists. A prerequisite for the introduction of such training will be a registration system for motorcycle instructors who will deliver such training.

Deputies Olivia Mitchell and Coveney referred to the area of drugs and driving. The Road Traffic Acts provide that a member of the Garda Síochána may, where he or she is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of that vehicle, require that person to submit to a blood test or to provide a urine sample, which will then be subject to analysis by the medical bureau of road safety.

Currently, there is no feasible basis for the introduction of a scheme of preliminary roadside testing for drugs. However, screening devices based on oral fluid specimens are being developed for the purpose of carrying out roadside drug testing. Such testing devices are in prototype stages and the medical bureau of road safety is keeping abreast of developments in this area.

**An Ceann Comhairle:** I ask the Minister of State to conclude.

**Mr. B. O’Keeffe:** I ask that the rest of the statement be put in the Library.

**Mr. Deasy:** I wish to share time with Deputy Olivia Mitchell.

I was not going to say this, but have decided that I will. Every time I hear Ministers or Ministers of State saying they are glad that Opposition Members have not scored political points, it strikes me that they are nervous about something.

**Mr. B. O’Keeffe:** I merely quoted the Deputies’ concerns.

**Mr. Deasy:** The strange thing about road safety, unlike other issues, is that there are definite, clear and obvious ways of preventing what is happening from happening. They have been obvious for many years. The issue for Fianna Fáil is that it is getting nervous about taking people off the roads *en masse*. It got very nervous around local election time. It was clear that the penalty points system worked. It was clear from information from the Garda Síochána that it slowed people down. However, because the Government did not introduce any more than four out of a possible 69 categories of offences liable for penalty points, the system lost its impetus entirely. It is clear that Fianna Fáil is unpopular and it is also clear that as it goes into a general election 18 months from now, the last thing it wants to do is upset large numbers of people by taking them off the road. It is simply about politics. Fianna Fáil understands local politics better than most and understands what I have said to be true.

I disagree with some Members who spoke this evening. While it is true that increased visibility of gardaí provides a deterrent, it is not the only solution. The issue is about driver behaviour, taking a real crack at that issue and taking the necessary steps and Fianna Fáil has proven completely incapable and unwilling to take such steps time and again. This is epitomised by Mr. Eddie Shaw of the National Safety Council who said that 144 people could have been saved if the Government had taken those steps. It is obvious what those steps were. They were clear, determinate and definite but the Government has made no effort to take them over the last two or three years. All we hear is excuse after excuse. Whether it be mobile telephones or driver training, the Government has taken no concrete steps to address road safety issues.

The issue is whether Fianna Fáil is prepared to lose additional votes by implementing measures that may be very unpopular with the public. It is not prepared to do so. That is obvious.

I began my political career as a councillor in 1999 and one of the first issues I raised with the county council concerned a stretch of road, approximately four miles long. It was obvious that many people were being killed on this stretch of road. In one particular black spot, approximately 20 people had been killed over a period of 20 years, an average of one per year. Eventually, I managed to get a 60 km/h speed limit imposed. Nobody ever questioned my figures, contradicted me or said I was exaggerating or wrong. The problem was that we were reliant on the Garda for information on all of the crashes, and many minor crashes that took place on that stretch of road over 20 years were never recorded.

We have not invested in the kind of research that is needed when it comes to crashes. In many cases we do not know exactly why they are occurring. We are reliant on information from the
Garda Síochána, which in many cases is not sufficient to draw up a clear picture as to what should be done, what solutions might be effective, how dangerous a particular stretch of road might be or what can be done to minimise the danger. We will not improve overall safety on the roads unless we are prepared to make an investment in that kind of scientific analysis of what causes crashes. That is the case in regard to the first point I made, about which I feel strongly. I do not believe the Minister of State is honest, forthright or realistic about dealing with the issue because he knows it will cost the Government votes in the next election if people are taken off the road en masse.

Ms O. Mitchell: Last night, I highlighted the inadequacy of virtually every aspect of our traffic laws, whether the administration, legislation or enforcement. It is a long and sorry tale of either incompetence or indifference. I detected from the Government benches almost an acceptance that what we said was true. No one can stand over the current road death toll which is going in the opposite direction to every country in Europe.

Tonight I want to be a little more positive when speaking about what the Government should do and what it should stop doing. I said last night that we must change the whole culture surrounding driving. To do so, we must change driver behaviour, which means better education, regulation and enforcement. There must be better driver education at all stages of life. People need education before going near the road, and long after they have passed the test they need ongoing education. We need an improved modern and reformed driving test, a test that must be passed at some point. We need an environment that encourages good driving and punishes those who offend and endanger their own lives and the lives of others. We must do something about mandatory training courses for instructors, together with a statutory register of instructors. At the moment, one does not even have to have passed a driving test to set oneself up as a driving instructor. It is essential that people have a minimum number of lessons before going on the road.

There must be a change in the status of the provisional licence. It must be a provisional licence which leads to something; there is no point calling it a provisional licence if it leads nowhere. It is unacceptable to have a provisional licence for life. There should be a maximum number of penalty points for people on provisional licences so that there is some incentive to pass the test and learn how to drive properly. There should be a requirement for zero blood alcohol. The motorway ban should be strictly enforced. There should be an after-dark ban so that there is a real incentive to learn to drive and pass the test.

Members spoke about the need for training for motorcyclists before they go near a motorcycle. No level of road deaths is acceptable but, as far as motorcyclists are concerned, the number is way off the scale. Motorcyclists comprise 2% of drivers and they account for 25% of road deaths, which is unacceptable. We were promised that this issue would be dealt with but nothing has happened. There should be an accident investigation unit to find out what is causing all these accidents. We say broadly that it is driver behaviour, but which behaviour? It is a nonsense not to have statistics in this regard.

As my colleague, Deputy Enright, said, no toxicology test is carried out if one dies. It is at the discretion of the coroner, but, in most cases, the cause of the accident is not known. If someone is to be charged, blood tests and so on are taken but there is no comprehensive information on what causes accidents. We guess that alcohol is the cause of 40% of deaths, but we do not know.

The NRA is the body responsible for publishing and collating the figures relating to the causes of accidents. It states that road conditions are the cause of approximately 2.5% of accidents, which I do not believe. It may be that that refers to national roads only but, in any event, no agency should adjudicate on itself. As it is responsible for the upkeep of roads, it should not be involved in such a task. We need an independent agency.

The gardaí must be upskilled. Approximately eight of the 12,000 gardaí have the forensic training to investigate causes of high speed crashes. No matter how many laws and regulations are introduced, if there is no enforcement, it is a complete waste of time. I said last night that fear works, and Irish drivers perceive they have nothing to fear. Until we enforce the law, we are just wasting our time.

In Victoria, Australia, there was a high incidence of road traffic accidents and a very high number of deaths. Four or five years ago, the authorities introduced a rigorous road safety campaign, which has worked. They believe that compliance measures have been the cornerstone in reducing fatalities. They are the key contributor to the substantial number of lives that are saved in Victoria each year. It would be great if we could say the same.

What is missing is not the Government’s awareness of the problem, every area of policy is in a complete unmitigated shambles. I do not think anyone can deny it. It is entirely due a lack of political leadership and a lack of a concentrated concerted effort to deal with the barriers to road safety. The Minister, Deputy Cullen, who is abroad is like a gadfly. He alights momentarily on every problem and then flits off to something else. He has not grasped the problem to ensure success in this area. One must do more than just turn up for the photo shoot. He espouses one
cause after another if a photo shoot is involved. He espouses it for half a day or a few hours, with no apparent preplanning and no attention to detail. It is no wonder every initiative is floundering on the rocks of inattention to detail and failure to plan.

We were promised outsourced driver testing to clear the backlog. A number of people went to the trouble of tendering for the work and someone was awarded it. However, because there was no preplanning or prior consultation, it has now ended up in the Labour Court. Outsourcing never happened and no one took responsibility for it. We were promised outsourcing of the national roll-out of speed cameras. Then it was discovered that legislation was required, but it was not introduced and no one took responsibility for it. We were promised an automatic seamless penalty points administration system, but it was discovered that the computer system could not cope with it. A large number of gardaí did not even have access to a computer, therefore, nothing happened and no one took responsibility. We decided on an outsourced payments system for the penalty points system. I have been hearing about this for months, but nothing has happened. The driver testing and standards authority was promised, which would solve all the problems. The legislation was published, we all spoke about it and then it was withdrawn mysteriously. Nothing has happened and no one has taken responsibility for it. We were promised random testing, which gardaí say is crucial to improving the conviction rate. It is also crucial as a deterrent. At least if there was the threat of it, it would work as a deterrent. That has been abandoned on legal advice and no attempt was made to find a solution, despite the fact that the conviction rate continues to drop. Nothing has happened and no one has taken responsibility. However, I am delighted to hear tonight that we are to have a meeting about it.

The previous Minister promised legislation to ban mobile phones while driving, but that was dropped on legal advice because he could not define a mobile phone. Nothing happened and no one took responsibility. These are just a few instances in a long litany of disasters which can only be due either to gross incompetence or a lack of political will and political leadership on the part of the Minister. I believe it is the latter because I do not think he is that incompetent. He must stop being a hands-off Minister, so to speak. He must stop being the ten-year, one-page Minister. He must stop being the kind of Minister who said he did not give Dublin Bus any buses because it did not ask. When a matter is too complex to deal with, he must stop thinking that setting up new bodies and outsourcing are a solution or an alternative to applying himself to detailed planning and getting the matter off his desk.

Once and for all he must achieve what he set out to achieve rather than try to find a legislative solution that gets the problem off his desk. The solution is for the Minister to be a Minister. The Minister with responsibility must take responsibility. It is not rocket science but if one person does not take responsibility for driving forward and delivering all these measures, and we accept they must be brought forward, legislated for and enforced, people will continue to die needlessly. The only person who can do it is the Minister. I commend the motion to the House.

Amendment put.

The Dáil divided: Tá, 62; Níl, 52.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Séan.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carty, John.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Denny, John.
Devins, Jimmy.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.

Hanafín, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McGuinness, John.
Martin, Michéal.
Moloney, John.
Moynihan, Donal.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Eamon.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Donnell, Liz.
O’Keeffe, Batt.
Tá—continued

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gilmore, Eamon.
Gormley, John.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
Mitchell, Gay.
Mitchell, Olivia.
Moylan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
O’Caoimhghin. O’Snodaigh, Aengus.
O’Dowd, Fergus.
O’Shea, Brian.
O’Sullivan, Jan.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Roísin.
Stagg, Emmet.
Stanton, David.
Timmings, Billy.
Upton, Mary.
Wall, Jack.

Nil

Amendment declared carried.

Question, “That the motion, as amended, be agreed to”, put and declared carried.

Adjournment Debate.

State Property.

Mr. McHugh: I thank the Ceann Comhairle for allowing me to raise this very important matter this evening. My purpose in doing so is to establish the situation regarding lands in the ownership of the HSE in Tuam, Portumna and Ballinasloe, County Galway. The lands in Tuam were purchased more than three years ago by the old Western Health Board at the behest of the then Minister for Health and Children, Deputy Martin, for the construction of a 60-bed community hospital with x-ray facilities, a primary care unit, an ambulance base and other ancillary medical facilities. Although a planning brief was submitted to the Minister in 2002, nothing has happened on the project since then, despite a firm undertaking given in 2002 by no less a person than the Taoiseach. This commitment was given on his own behalf and on behalf of the then Minister, Deputy Martin, the local Fianna Fáil public representatives and the local Fianna Fáil organisation.

It now appears that the lands which were purchased for the construction of a community hospital are being assessed to establish how many housing units could be built there under the Sustaining Progress affordable housing initiative. What is the status of this latest madcap idea for the site? Is the proposal to build houses here serious? If so, the community hospital for Tuam is dead. What are the Government’s plans for those lands? Is the Government about to sell the lands?

A specific project is proposed for the HSE lands in Portumna, which requires the full amount of those lands in order to be viable. South East Galway Integrated Rural Development Limited, in association with South East Galway Housing Association working in conjunction with Galway County Council, the Heritage Council, Galway Rural Development, Galway County Association for the Mentally Handicapped, east Galway mental health services and others, have formulated a €24 million project for those lands which involves the restoration of old workhouse buildings and the construction of social and

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.
private housing. Plans for the project were greatly advanced even to the extent of agreement having been reached to transfer ownership from the HSE to South East Galway IRD and South East Galway Housing Association. It appears that consideration is being given to utilising two acres of those lands under the Sustaining Progress affordable housing initiative.

If the sale of those lands proceeds it will render this community project unviable and will leave the old buildings as a blot on the Portumna landscape for the foreseeable future. What are the plans for the Portumna HSE lands? Will part of the lands be sold or will the lands in their entirety be transferred to the South East Galway IRD and South East Galway Housing Association so that they can proceed with the valuable work in which they are engaged.

The issue regarding the lands in Ballinasloe may not be as critical as with the lands in Tuam and Portumna as no specific project is planned for those lands requiring the use of all the lands under the control of the HSE. However, the western region of the HSE has a requirement for land in Ballinasloe. That requirement needs to be comprehensively established before further consideration is given to the sale of any of the Ballinasloe lands. If after a full appraisal of the needs it is found that some of the Ballinasloe lands are surplus to requirements, consideration should be given to selling part of the land, provided the proceeds are reinvested in Ballinasloe. What is going on with regard to the lands in Tuam, Portumna and Ballinasloe? Is it the case that one arm of the State does not know what the other is planning or is the Tuam health campus project being abandoned, the Portumna community project being torpedoed and the future of health projects in Ballinasloe being put in jeopardy? Is it the case that the Galway lands are being used to fund inner city Dublin social housing?

**Minister of State at the Department of Health and Children (Mr. S. Power):** I am taking the Adjournment on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney. I thank the Deputy for raising this matter as it provides me with an opportunity to provide the House with an update on the situation.

While considerable progress has been made in recent years in increasing overall housing supply, the demand for housing remains high, particularly in major urban areas. Against this background, the parties to the pay agreement, Sustaining Progress, proposed a new initiative aimed at further enhancing the supply of affordable housing, with the objective of significantly increasing the supply of such houses.

The Government is therefore strongly committed to the ambition of delivering the affordable housing initiative and other arrangements under the Planning and Development Acts. It is envisaged that housing provided under the initiative will be aimed at those who in the past would have expected to purchase a house from their own resources but who find that they are unable to do so in the current housing market.

With regard to the specific issues raised by the Deputy, the Health Service Executive western area has been advised of the Government decision to release State lands in the health sector for affordable housing under Sustaining Progress. The executive has identified a number of sites for consideration for inclusion in this initiative. It is engaged in a process of reviewing the implications of the initiative on these sites for planned health services development. This review will be completed shortly.

I understand that the executive will communicate its views shortly to the parties concerned, including the Department of Health and Children and the Department of the Environment, Heritage and Local Government. It is not intended that the affordable housing initiative would have a negative impact on planned developments in the health sector. The Health Service Executive will strive at all times to strike a balance with regard to individual proposals to satisfy in the most realistic way possible both its own objectives and those of the initiative.

**Home Help Service.**

**Ms B. Moynihan-Cronin:** I thank the Ceann Comhairle for the opportunity to raise this important issue. I welcome the Minister of State, Deputy Seán Power, and hope he will have a favourable reply for me.

Will the Minister of State explain to me and the people of County Kerry the reason the number of home help hours in County Kerry have been reduced by more than 100,000 in the space of just two years? Figures the Labour Party recently obtained from the Department of Health and Children show that in 2002 there were 789,011 hours of home help provided to people in County Kerry. In 2004, that figure dropped to just 683,296, a drop of 105,715 hours in two years. Does the Minister of State realise the enormous value of 105,000 hours of home help to people in County Kerry? Home help is probably the most valuable social health service available to an elderly, infirm or housebound person who wants to remain at home with dignity but needs a little care and assistance, usually daily.

We have heard much from the Minister for Health and Children about her desire to see the elderly and the incapacitated cared for at home and kept out of long-stay institutions where possible. The Minister and the Government have emphasised the need for greater investment in home care to enable people to live at home with
dignity and to free up long-stay institution places and hospital beds.

I have often spoken in this House about the lack of funding for the Cúram home care grant for people in County Kerry. Successful applicants are being denied the grant because funding has expired. The cases and figures I am putting on the record of the House give the lie to the Government commitment of investment in home-based care. How can the Government say it is investing in home care when it has cut by more than 100,000 the number of hours of home help provided in County Kerry over the past two years?

Let me explain to the Minister of State the reality locally of these kinds of cutbacks. I spoke to a constituent of mine recently whose home help told her that she could not stay and chat any more as she had only so many hours to do her chores for the woman concerned. She had to get in and out of the house as quickly as possible because of her set quota of home help hours. This elderly woman was also told by her home help that she would wash her clothes, but not those of her husband because he was not the person in receipt of home help. The home help sorted the man’s from the woman’s clothes. What kind of society is it where this happens? Is the Government willing to stand over that kind of a system?

One of the most important roles of the home help service is to provide a level of social interaction to the client who may often not see another human being from one end of the week to the other. Now it seems that thanks to the cutbacks, home helps are only in a position to do the basic household chores and are gone out the door shortly after they arrive. I have heard the Minister for Health and Children persistently deny that the Government is cutting back on home help and insist it is investing more money. It is true there may be more investment but it goes mainly towards increased wages for home helps, and rightly so. However, thousands of people are losing out on the hours of home help they receive because of cutbacks in the Department.

I appeal to the Minister to stop cutting back on what is arguably the best and most valuable social health service available to people who are living at home but not in a position to do some of their household chores. I ask her to give a commitment to the House that the hours lost, particularly in County Kerry, will be restored.

**Mr. S. Power:** As the Deputy will be aware, the policy of the Department of Health and Children on the development and delivery of services for older people is to maintain them in dignity and independence at home for as long as possible in accordance with their wishes, as expressed in many research studies. It aims to restore to independence at home those older people who become ill or dependent and to encourage and support the care of older people in their community by family, neighbours and voluntary bodies. The role of the home help service is vital to the implementation of this policy.

Following the publication in 1998 of the report entitled *The Future Organisation of the Home Help Service in Ireland* by the National Council on Ageing and Older People, I am pleased to say that there has been a major step forward in the implementation of the home help scheme from 1999 onwards with the service being provided to an increasing number of older people.

The aim of the home help service is to enable people to remain at home, where appropriate, who would otherwise need to be cared for in residential care. It is recognised that the service is an essential support to family and informal carers. The HSE southern area has advised that the total number of home help hours provided in Kerry in recent years is as follows. In 2002 some 789,011 hours were provided. In 2003, the hours provided came to 701,216. In 2004, some 683,296 hours were provided and the projected hours for 2005 come to 720,000 hours.

**Ms B. Moynihan-Cronin:** The hours have been cut back. This is now November 2005.

**An Ceann Comhairle:** Allow the Minister of State to proceed.

**Mr. S. Power:** It is understood that the home help hours figure for 2001 was similar to that of 2003. However, the total number of home help hours provided in 2002 included once-off hours, arising from the national home help agreement 2000, for annual leave and training and other elements of the service relating to the agreement. Therefore, the 2002 figures reflect both the core service hours for that year and the additional once-off arrears relating to previous years. There have been significant increases in the investment in the home help service since 2002. Some €95.7 million was spent on the service in that year and it is estimated that €120 million will be spent this year. That represents an increase of 25%. As the home help service is a flexible service that responds to clients’ needs, the level of service required in individual cases fluctuates from time to time. The service is targeted at high and medium dependency clients, in accordance with their assessed needs, to ensure that an effective prioritisation of the service assessments is undertaken at local level and carried out in all cases by the HSE’s public health nursing services.

I am aware that Deputy Moynihan-Cronin has taken a particular interest in this matter. I agree that the home help service has been a wonderful success and has brought great benefits to those who are targeted by it. Those involved in the service appreciate what is being done. The jobs that are done might be quite small in some cases,
but small things make a great difference to the quality of life of the people who receive them. As I have explained, the Government has increased its investment in the home help service. All the studies show that people are much happier in their own homes. The home help service allows many men and women to stay in their own homes for as long as possible. It becomes impossible for them to stay in their homes in some cases, unfortunately, and they have to move on to long-term care. Our experience has taught us that the home help service works.

The Government will continue to support and expand the scheme, which offers exceptionally good value for money. Not only does the service benefit older people and carers, but it also solves a number of problems in our hospitals, for example by freeing up beds. The Government appreciates the participation of so many people in the scheme, which is working well. It intends to continue to develop the scheme by investing more money in it.

Medical Aids and Appliances.

Mr. Timmins: I thank the Chair for giving me an opportunity to raise this important issue. Cardiac Self-Help Wicklow is a voluntary group that was established in the autumn of 2003 with a view to making defibrillators available in the wider community. Several thousand people died in Ireland from sudden cardiac arrest each year. The many causes of sudden cardiac arrest include genetic propensity, illness, heart attack, environmental conditions and physical contact. A hard blow to the chest can knock a person, even a fit young athlete, into cardiac arrest. Dehydration or heat exertion can also bring on sudden cardiac arrest. A person of any age can be a victim of sudden cardiac arrest.

As a result of the ambulance service’s work with voluntary groups in County Wicklow, the first responders scheme is in operation in 14 parts of the county. Under the scheme, trained local volunteers assist the ambulance service when a person in the locality suffers or is threatened with cardiac arrest. A further eight communities are in the process of getting involved in the scheme. Cardiac Self-Help Wicklow intends to extend the first responders scheme to all parts of the county, with the co-operation of local communities. Under the targeted defibrillation programme, local groups can privately purchase a defibrillator and make it available in their immediate areas. Shopping centres, airports, schools and sporting clubs have defibrillators on site and have trained people to use them. Local community groups have been called into service more than 40 times since the scheme became operational in County Wicklow in the spring of this year. The scheme, which is extremely successful, provides assistance and assurance, particularly in isolated areas. The success of the first responders scheme in County Wicklow is due in no small part to the progressive involvement of the ambulance service in the HSE region that succeeded the former ERHA area. Other HSE areas are reluctant to get involved, however.

I am aware that a Government task force, chaired by Dr. Brian Maurer, will report soon on the issue of sudden cardiac death. I am confident that he will strongly recommend the national roll-out of a first responders scheme like that in operation in County Wicklow. While the resources needed to establish and maintain such a scheme are minimal for the return, human resources need to be specifically allocated to the project. The Garda, fire service and other statutory bodies can also play a role. Planning guidelines need to be amended to provide for the inclusion of defibrillators in commercial developments. The Department of Education and Science has a role to play in including cardiopulmonary resuscitation in the school curriculum. Legislation is necessary to deal with the concerns of volunteers who have a fear of litigation and to assist with the concept of targeted defibrillation. Fine Gael has placed such legislation, the Good Samaritan Bill 2005, on the Dáil Order Paper. The Minister for Health and Children has repeatedly called for ideas from this side of the House. I have been pushing this idea, the implementation of which would greatly improve the health service at a nominal cost, for over two years.

I know there is resistance to the first responders scheme among general practitioners and others involved in the medical profession, who have concerns about handing a piece of medical equipment to people in the community who might not be well trained in its use. The scheme, which has been very successful in County Wicklow to date, has worked beyond our wildest dreams because local people have given a tremendous level of commitment to it. My colleague, Deputy Lowry, raised on the Adjournment some time ago the issue of targeted defibrillations. I am aware that the editor of the Irish Medical Times has written a very condescending and ill-informed article on the issue. I invite him and anyone else involved in the medical profession who has doubts about the matter to travel to County Wicklow to see how the scheme is operated there by volunteers who have been trained by the ambulance service.

The scheme is validated every 90 days by the ambulance service. If a person in the parts of County Wicklow in which the scheme is in operation dials 999, or whatever the relevant number is, not only will an ambulance come from Naas, Wicklow or Baltinglass, but the local scheme volunteer will also be contacted by mobile telephone so that he or she can get to the scene of the difficulty. It is a very successful scheme. When Dr. Maurer’s report has been published, I hope the Minister for Health and Children will initiate a proactive and progressive campaign to bring the scheme into operation throughout the country.
Mr. S. Power: I thank Deputy Timmins for raising this matter and giving me an opportunity to outline to the House some details of the work being done to improve how cardiac emergencies are dealt with. As the Deputy said, Deputy Lowry raised a similar matter in the House some months ago. I would like to update the House on the developments since then. The Health Act 2004 provided for the establishment of the Health Service Executive on 1 January last. Under the Act, the HSE is responsible for managing and delivering, or arranging to be delivered on its behalf, health and personal social services. As part of the reform of the health service, a national ambulance office has been established, under the auspices of the national hospitals office within the HSE, with responsibility for the provision of pre-hospital emergency care, including the development of the first responder service where required. The 2001 report of the strategic review of the ambulance service has largely formed the basis for the development of pre-hospital emergency medical services in recent years. The report recommended that all ambulance services should consider establishing first responder programmes to support the ambulance service. In line with that recommendation, the eastern region of the HSE trained more than 1,000 people last year in cardiopulmonary resuscitation in the community. The Department of Health and Children has been advised that a number of community first responder schemes are in operation throughout the country. The HSE has advised that the further roll-out of such schemes will take place subject to the pre-hospital care needs of particular regions.

Deputy Timmins is aware that a national task force on sudden cardiac death was established in September 2004 to address the problem of sudden cardiac death. The task force, which is chaired by Dr. Brian Maurer, has almost completed its work. It will make recommendations on the prevention of sudden cardiac death and the detection of those at high risk. The task force will advise on equipment and training programmes, to improve the outcomes in the cases of those suffering from sudden cardiac collapse, and on the establishment of appropriate surveillance systems. In particular, the task force will advise on maximising access to basic life support and automatic external defibrillators, appropriate levels of training in basic life support and the use of automatic external defibrillators and the maintenance of that training. It will also consider who should be deemed to be priority individuals and priority groups for such training.

The task force will make decisions on the geographic areas and functional locations of greatest need, the best practice models of first responder schemes and public access defibrillation and the integration of such training services. I understand that the task force has been involved in widespread consultation with individuals and organisations and that a report will be published shortly. I thank Deputy Timmins for his contribution. It was heartening to hear his report on the success of the first responder scheme in County Wicklow. The task force’s recommendations will inform future policy in this area. Funding will be provided through the HSE to support the implementation of the recommendations.

Third Level Fees.

Cecilia Keaveney: I thank the Ceann Comhairle for giving me an opportunity to raise this issue which is of importance to the students of Donegal and all the Border counties, in particular, as well as the rest of the country. Third level fees were introduced in the North of Ireland a few years ago and a change to the fee structure is being planned for September 2006 whereby top-up fees will be charged to students. It would appear that while in the past the tab for students from the Republic was collected by education boards, this will no longer be the case and, therefore, fees will be applicable to Irish students attending Northern universities.

I declare an interest in that I attended university in Jordanstown just outside Belfast for seven years. I know how important and useful it is to be able to access many different universities when filling in UCCA forms and other third level college application forms at leaving certificate stage. In the context of the Good Friday Agreement we are supposed to be advocating all-Ireland policies and the integration of the Thirty-two Counties in terms of access to education, health, retail therapy and so on. It is important that the Minister for Education and Science would intervene in this matter.

I was annoyed on looking through the manifestoes and policy papers of Northern Ireland parties because, as a member of the British-Irish Inter-Parliamentary Body, the issue of top-up fees and access to Northern colleges would probably not arise if the Northern Executive were up and running. One of the parties stated that fees exacerbate inequalities in access and that the decline in the number of students from low income, rural, isolated and marginal communities was unacceptable.

Another party, coming from a different background, stated that fees act as a deterrent to potential university students from disadvantaged backgrounds and that Queen’s University and the University of Ulster had worked hard to be open to all. One party referred to the intention of Queen’s University and the University of Ulster to apply a maximum of £3,000 per year from 2006 and that this would lead to severe hardship for students. However, another party stated that the amount of £3,000 per year would only be an introductory amount that would inevitably rise.

A further argument propounded by one party was that top-up fees would damage the health service because people from working class backgrounds would not be attracted to the health professions because of the cost. A party from a completely different background stated that students...
could opt for cheaper courses regardless of the value they add to their education because subjects like science, engineering and professions such as law and medicine would be more expensive and thus people would not apply for them.

Coming from Donegal, I would like to think that the people with all these views on education would make their own decisions. I would love to see the Executive up and running so that these decisions could be made. Unfortunately, as the Executive is not up and running, students from the Republic could face fees that did not exist previously. This will be to the detriment of students wishing to attend the University of Ulster at Jordanstown, Coleraine or Magee or Queen’s University. We have enough anomalies in the system with the recognition of courses and NVQs.

We are supposed to encourage people into education to give them foundations. We keep on using the mantra that a better educated population is a better equipped one in terms of society and the big, bad world, yet we appear to be in a negative free-fall since the Good Friday Agreement in that, in the past, people like me from the Republic were free to go to Northern universities and their fees were dealt with but students in future will be charged. The argument in the North is that everybody is getting charged so everybody is being treated equally, but I am getting representations from people who want to avail of Northern universities and from families that have more than one child who wishes to access university. The prospect of such fees is bad enough for one child but would be extremely difficult for families with a number of children wishing to go to university.

Given that the Executive is not in operation, it is important that the Minister of State, Deputy Seán Power, would pass on my request to the Minister for Education and Science, Deputy Hanafin, to raise this issue as a matter of urgency with her counterpart in Northern Ireland rather than wait for people to complain this time next year about fees or that nobody went to the Northern universities.

Mr. S. Power: I thank Deputy Keaveney for raising this matter on the Adjournment. I will reply on behalf of the Minister for Education and Science, Deputy Hanafin, who is unavoidably absent owing to a prior commitment. The free fees initiative scheme operated by the Department of Education and Science provides free tuition to eligible students who attend approved third level courses. The main eligibility conditions of the initiative are that students must be first-time undergraduates, hold EU nationality or official refugee status and have been ordinarily resident in an EU member state for at least three of the five years preceding their entry to an approved third level course. The courses approved for free tuition are full-time undergraduate courses of not less than two years’ duration which are followed in approved third level institutions in the State. At present, in the region of 40 institutions deliver courses approved for free tuition.

There are no plans by the Department of Education and Science to extend the eligibility conditions of the free fees initiative to cover students attending third level institutions in Northern Ireland. Under the terms of the Department’s maintenance grants schemes, grant assistance is available to eligible students attending approved third level courses in approved institutions. An approved course for the purpose of the schemes means a full-time undergraduate course of not less than two years’ duration and a full-time postgraduate course of not less than one year’s duration pursued in an approved institution. To qualify for grant assistance, a candidate must satisfy the prescribed conditions of the schemes, including those relating to residence, means, nationality and previous academic attainment.

Students from this State who attend undergraduate courses in Northern Ireland can apply for maintenance grants in respect of approved courses which are pursued in colleges approved for the purpose of the Department’s higher education grant scheme and vocational education committees’ scholarship scheme. Both these schemes provide that where a candidate is not eligible for free tuition under the free fees initiative and is pursuing an approved course at undergraduate level in an institution listed in the State, the local authority or vocational education committee may award a full or part grant in respect of the candidate’s lecture fee, subject to the terms of this scheme.

There are no plans to extend the payment of tuition fees under the student support schemes to undergraduate students attending approved courses outside the State. It is understood, however, that students attending higher education institutions in Northern Ireland and who are ordinarily resident in a member state of the European Union will be eligible for a fee loan from the Northern Ireland authorities up to the amount charged by the higher education institution. Further clarification is available from the Department of Employment and Learning in Northern Ireland. Its e-mail address is studentfinance@delni.gov.uk.

Section 473A of the Taxes Consolidation Act 1997 also provides for tax relief on tuition fees, at the standard rate of tax in respect of approved courses at approved colleges of higher education, including certain approved undergraduate and postgraduate courses in EU and non-EU member states. I thank Deputy Keaveney for raising this matter in the House.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 10 November 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 16, inclusive, answered orally.

Questions Nos. 17 to 100, inclusive, resubmitted.

Questions Nos. 101 to 109, inclusive, answered orally.

Flood Relief.

110. Mr. Stanton asked the Minister for Finance the action the Office of Public Works is going to take with regard to the Womanagh River overflowing; and if he will make a statement on the matter. [33083/05]

Minister of State at the Department of Finance (Mr. Parlon): In response to a previous question from the Deputy on 21 April 2005 I indicated that it would be necessary for the Commissioners of Public Works to undertake a study to ascertain the nature and extent of the work that would be required to address the flooding problem in the area and also the likely benefits of such works.

An engineering report in relation to the order of cost has been completed. An appraisal of the potential benefits will be carried out before the end of the year.

I am aware from my meeting with representatives of the affected landowners of the extent of the problem. I assure the Deputy that I will ensure that a decision on the matter will be taken as soon as possible.

Departmental Estimates.

111. Mr. Deenihan asked the Minister for Finance if provision will be made for the new Garda station at Castletisland, County Kerry in the 2006 Estimates; and if he will make a statement on the matter. [29639/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have recently completed the acquisition of a site at Tralee Road, Castletisland, County Kerry for the erection of a Garda area headquarters. A sketch scheme will be prepared for the approval of the Department of Justice, Equality and Law Reform on receipt of the Garda brief of requirements. Provision has been made for it in the 2006 Estimates.

Pension Provisions.

112. Mr. Kenny asked the Minister for Finance the terms on which funds in the National Pensions Reserve Fund have been made available for public sector projects; and the reason they have not been taken up. [33123/05]

Minister for Finance (Mr. Cowen): The National Pensions Reserve Fund Commission is independent of Government in the exercise of its functions. Under the National Pensions Reserve Fund Act 2000, it controls and manages the fund with discretionary authority to determine and implement the fund’s investment strategy. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long term subject to prudent risk management.

The independence of the commission is a cornerstone of the legislation which ensures that the commission will invest in a manner that maximises returns. Essentially, it is similar to the trustee arrangements that apply to private pension funds and places an obligation on the Commission to act commercially and in the best interests of the fund.

With regard to commercial investment in public sector projects in this country, the Annual Report of the National Pensions Reserve Fund Commission for 2004 states that the commission has made an initial allocation of €200 million for investment in public private partnerships in Ireland and will increase this allocation should suitable opportunities arise. I also understand that, to date, no moneys have been invested by the commission in any such projects.

On a more general note, it is fair to make the point that development of the public private partnership process is not dependent on investment in PPPs by the National Pensions Reserve Fund Commission.

Energy Resources.

113. Mr. Ring asked the Minister for Finance his views on the observations of the Office of Public Works in relation to the sanction of increases in gas prices. [33147/05]

135. Ms Barry-Moynihan-Cronin asked the Minister for Finance the estimated additional costs likely to arise for the Office of Public Works as the agency purchasing gas for various Departments as a result of the recent rise in gas prices approved by the Commission for Energy Regulation; if the Office of Public Works has made
I am aware of the report referred to by the Deputy and of concerns expressed in relation to the continued growth in credit, particularly to the household sector, and the possible effects of increasing indebtedness upon borrowers.

The Deputies may wish to note that the growth of credit and the associated increase in indebtedness are in the first instance a matter for the Central Bank and Financial Services Authority of Ireland, taking into account its role as a part of the European System of Central Banks and its functions, as the Irish Financial Services Regulatory Authority, in relation to the prudential supervision of financial institutions and the protection of the consumers of those firms.

While the report referred to highlights the increasing indebtedness of Irish households, it also highlights the fact that the sustainability of household debt is supported by strong demographics, low interest rates and a high savings ratio. This view is generally supported by the findings of the recently published Financial Stability Report from the Central Bank and Financial Services Authority. A key finding of the bank’s report is that a range of fundamental factors such as growing employment and incomes, falling inflation and low interest rates have supported the pattern of mortgage growth and associated debt levels. The Central Bank’s report does, however, highlight the continuation of strong mortgage credit growth as an important risk factor. It, therefore, emphasises the importance of responsible behaviour by both borrowers and lenders, to factor into their financial decision-making the prospective impact of potential changes in the future economic environment.

The Deputies may also wish to note that in the current environment of historically low interest rates, the level of private sector credit has been increasing strongly in a number of countries, including Ireland, and also other eurozone countries. In our case this is occurring in a context of strong economic growth and increasing employment. I reiterate the importance of borrowers acting sensibly and taking into account the prospect that interest rates will be higher in the medium term. I fully support the vigilance of the Central Bank and the financial regulator on the issue of personal credit and mortgage debt, and in reminding the lending institutions of the need for prudence on their part.
policy defined by European and domestic procurement law. Up to date guidelines for public procurement, including information technology solutions, were issued to Government Departments and offices by my Department in 2004. I am satisfied that the procurement systems in place are robust and as a general rule operate in a satisfactory manner. They are kept under review.

The specification, design and implementation of computer-IT systems can be quite complex and challenging. There are many examples of good implementations of such systems throughout the public service, for example, the Revenue on-line service and the motor tax on-line system etc. However, there are also, unfortunately, a small number of examples where projects have run into difficulties for a variety of reasons. Delays can occur because of a change in requirements or scope or because something arose that was not foreseen. Sometimes, unfortunately, expenditure overruns arise from poor planning and poor decision-making in an individual organisation.

My Department continually keeps this matter under review. Due to the increasing size and complexity of ICT projects now being undertaken in the Civil Service, it was felt that the delegation arrangements had to be strengthened, particularly for large ICT projects. As the Deputy will be aware, the Government recently decided that peer reviews should be immediately put in place for large ICT projects. It is intended that progress will be made before the end of 2005 in relation to having peer reviews carried out on some large scale projects. This will bring to bear the experiences of senior computer managers across the Civil Service to evaluate the viability of project proposals, to determine the best implementation method and to review progress at critical stages. Peer reviews will not override in any way the accountability arrangements in place within organisations. It is worth noting that forms of peer review are also being implemented in other administrations to deal with size and complexity issues in ICT.

The peer review process will particularly focus on: the preparation of good business cases, affordability, procurement, detailed planning, strong governance arrangements and on limiting the scope of a proposed project to the current ICT capacity of the sponsoring organisation. The Deputy will be aware of a recent Government decision which significantly strengthens controls in the area of project management and the peer review process will check that these new controls have been taken fully into account.

**Economic Competitiveness.**

116. **Mr. Gormley** asked the Minister for Finance if his Department has simulated the effects of potential external shocks on the economy; the results of these simulations; and if he will make a statement on the matter. [32944/05]

**Minister for Finance (Mr. Cowen):** As a small, open economy, Ireland is heavily reliant on the international economy and external shocks have the potential to significantly reduce Irish growth. In this regard, my Department is constantly monitoring developments in the world economy. For example, in the Economic Review and Outlook, published August 2005, my Department identified a number of external risks to the economic outlook going forward, including: the high level of oil prices; the possibility of a sharp dollar correction leading to an appreciation in the value of the euro; and lower growth in the euro zone.

My Department, in partnership with ERSI, makes use of the institute’s model HERMES. Using this model it is possible to simulate the impact of external shocks on the domestic economy, for example, oil price hikes and exchange rate movements. For example, in chapter 4 of the Stability Programme Update, published with the budget, my Department publishes a sensitivity update, which examines the impact of interest rate changes and growth surprises on the general Government balance, using the HERMES model.

However, it should be recognised the model-based analyses are subject to a number of limitations. Simulations rely on extrapolation from past trends in indicators such as growth, inflation, employment etc. Substantial structural change has taken place in the economy in recent years which may make the results of any simulation less accurate.

**Tax and Social Welfare Codes.**

117. **Mr. Gogarty** asked the Minister for Finance if his Department has conducted any thorough research on making personal tax credits refundable; the costs associated with making each personal tax credit refundable, based on Exchequer figures from a recent year; his views on whether making tax credits refundable would make the social welfare system more equitable; his further views on whether making them refundable would make the social welfare system more efficient; and if he will make a statement on the matter. [32941/05]

**Minister for Finance (Mr. Cowen):** The issue of making unused tax credits refundable was examined by a working group established under the Programme for Prosperity and Fairness to examine the role which refundable tax credits can play in the tax and welfare system. The group was made up of representatives of the social partners and was chaired by my Department. Among other things, it examined the issues which might
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arise if personal tax credits including the basic personal tax credit, the employee PAYE tax credit, the one-parent family tax credit, the home carer tax credit, the incapacitated child tax credit, the blind person’s tax credit, the dependant relative tax credit and the widowed person tax credit were made refundable.

I am advised by the Revenue Commissioners that the most recent estimated cost of making the main personal tax credits refundable when they are unused is broadly in the region of €1.8 billion annually. The main category of refund would relate to the basic personal credit — single, married and widowed — where the annual cost of refunding the unused portion of the credit to income earners with insufficient income to fully absorb it would amount to €900 million approximately. The next categories of refund in order of scale would be the employee credit — €840 million approximately — and the home carer credit — €32 million approximately.

The estimate of €1.8 billion relates only to the cost of extending refundable tax credits to all those on Revenue’s tax files. If a refundable tax credit system were to be introduced, one would have to consider those who are not on the tax files, for example, those who are of employable age but not working, including those in social welfare. This would increase the cost hugely.

I assume that what the Deputy has in mind in his question is whether the provision of income support by means of refundable tax credits in the tax system would be more equitable and efficient than the present approach where it is provided through the social welfare system. That would depend on the nature of the arrangements put in place. However, on the question of equity, a refundable tax credits system would not necessarily mean that all would benefit equally from budget day tax changes. If rates of income tax are reduced or increased in a budget, only those paying tax benefit or lose whereas the situation for those outside the tax net remains unchanged. In addition, such a system would not necessarily be more efficient. It could not operate on an automatic basis and potential beneficiaries, especially those outside the tax system, would be required to contact the Revenue Commissioners to secure their entitlements.

It should also be noted that a system of refundable tax credits could bring with it possible downside effects. A refundable tax credits system would have the characteristics of a partial basic income system. Such a system could impact adversely on enterprise and effort in the economy. A possible disincentive to work and adverse implications for competitiveness and output of the economy may also be among the main disadvantages. The system would also be very complicated to administer.

Revenue Investigations.

118. Mr. Penrose asked the Minister for Finance the progress made to date in 2005 in regard to the second phase of its investigation into the use of life assurance products for tax evasion, which commenced on 23 May 2005; and if he will make a statement on the matter. [33068/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they are conducting their investigation into the use by taxpayers of life assurance investment products for the purposes of tax evasion in two stages. In the first stage of these inquiries taxpayers, who invested undisclosed and undeclared funds in life assurance products were given until 23 May 2005 to advise Revenue of this. This part of the disclosure stage has now been successfully completed and about 10,000 notices of intention to make a disclosure were received from taxpayers or their agents and a total of €374 million has been paid in tax, interest and penalties by approximately 5,000 individuals. Some of the notices received by 23 May were protective. Correspondence was received from others indicating that no liabilities arose.

Revenue formally commenced the second stage of its investigation into the use of life assurance products for tax evasion on 23 May 2005. New powers were provided in the Finance Act 2005 to authorise Revenue officers to examine the records that relate to a class or classes of life assurance policies and policyholders in the course of conducting sampling exercises. Revenue has completed the preliminary work regarding the use of these new powers and authorised officers are actively engaged in the sampling process. The information gathered in this process and from the voluntary disclosures will be used to ground applications to the High Court for orders directing insurance companies to furnish details on policyholders and policies to Revenue. It is envisaged that the initial applications will be made in late 2005 or early 2006.

Tax Code.

119. Mr. Neville asked the Minister for Finance if he has evaluated the impact of the tax credit on incremental research; and if he will make a statement on the matter. [33119/05]

Minister for Finance (Mr. Cowen): A 20% tax credit applies to companies that incur incremental expenditure on research and development, R&D. An incremental tax credit is preferable to a volume based credit in that it lessens the deadweight expenditure qualifying for the credit and encourages increases in R&D expenditure, which is the policy aim behind the incentive. The defini-
tion of R&D is based on best international practice.

The credit also helps to enhance our competitiveness as a location for new internationally mobile research-related investment, and will encourage existing overseas and indigenous firms to add research functions to their operations in Ireland or to increase their level of research activity. The strategy will move Irish industry up the value and knowledge chains, and will be of critical importance for the future health of our economy.

The credit was introduced in 2004 and it is too early for a detailed evaluation. The Revenue Commissioners have made specific provisions for collection of data on costs through company tax returns, thus information will be available on the costs of the credit in due course.

120. Mr. Connaughton asked the Minister for Finance if he has conducted an evaluation in conjunction with the Department of Health and Children of the tax relief for private hospital investment; and if it meets the public policy objectives in the health sphere. [33158/05]

Minister for Finance (Mr. Cowen): Capital allowances are available in respect of capital expenditure incurred on the construction of certain qualifying private hospitals. The expenditure can be written off over seven years at the rate of 15% per annum over the first six years and 10% in year seven.

Capital allowances for private hospitals is one of the many reliefs currently under detailed review by my Department in conjunction with the Revenue Commissioners and using external consultants.

The final reports from the consultants have been received by my Department and the findings from these reports will be taken into consideration in the context of the 2006 budget and Finance Bill.

Economic Competitiveness.

121. Mr. Cuffe asked the Minister for Finance if he has conducted an evaluation in conjunction with the Department of Health and Children of the tax relief for private hospital investment; and if it meets the public policy objectives in the health sphere. [33158/05]

Minister for Finance (Mr. Cowen): As I said in my press release on the day the IMF report was published, on Monday, 17 October, I am pleased that the IMF has commented favourably on the continuing impressive performance of Ireland’s economy which is based on sound economic policies.

The IMF has provided a good assessment of Ireland’s economic policies and prospects. I note the IMF executive board’s concerns about the erosion of competitiveness reflecting a combination of relatively high growth in wages and prices in Ireland over the last number of years. These are risks to which I have frequently referred; regaining competitiveness is vital if Ireland is to maintain economic growth going forward. The IMF forecasts for 2005 are broadly in line with the Economic Review and Outlook published by my Department during August.

On budgetary policy, I point out that the IMF has emphasised the need to build a fiscal cushion in good times in the event that downside risks materialise. This is the sort of prudent advice one would expect from the IMF and in line with the policy over recent years which has brought about a dramatic reduction in the Irish national debt to the second lowest in the euro area.

Budget Submissions.

122. Caoimhghín Ó Caoláin asked the Minister for Finance if he has received the pre-budget 2006 submission of the Combat Poverty Agency; and if he will make a statement on the matter. [33153/05]

Minister for Finance (Mr. Cowen): I have received a pre-budget submission from the organisation concerned and the contents will be considered in the context of the forthcoming budget and Finance Bill. As the Deputy is aware, it would not be appropriate for me to comment in advance of the budget on possible budget decisions.

Financial Services Regulation.

123. Mr. Gormley asked the Minister for Finance his views on Commissioner McCreevy’s plans for increasing cross-Border consolidation in financial services; and if he will make a statement on the matter. [32943/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the Commission’s study into possible obstacles to cross-Border mergers and acquisitions in the financial sector, which arises from a discussion at the informal meeting of EU Economic and Finance Ministers in September 2004.

I might first clarify that the Commission has no role in promoting increased cross-Border consolidation as such, as that is a matter for the market. The purpose of the study is simply to identify if any unfair barriers exist that would obstruct cross-Border mergers. That said, the Commission has pointed out that in a truly integrated EU market, cross-Border mergers and acquisitions must be one of the options open to financial institutions. However, it equally acknowledges that financial integration can be achieved in other
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ways. For example, any EU licensed bank can sell its products throughout the EU through branches in other member states, supervised by its home supervisory authorities, and a number of European banks are active in the Irish market on this basis. Alternatively, they can set up or acquire subsidiaries in the other member states which are supervised by the host supervisory authorities in those member states.

A key issue in the cross-Border consolidation context is a provision in the codified banking directive which allows banking supervisors to block a bank takeover on prudential grounds. The financial services industry feels this provision can be abused by some member states to prevent incoming cross-Border takeovers in particular, thus acting as a barrier to cross-Border consolidation. The Commission is developing proposals, in consultation with the member states, to tighten the prudential criteria on which a takeover approach will be assessed and also to make them more transparent.

On 8 November ECOFIN was briefed by Commissioner McCreevy on actions to improve the regulatory framework for cross-Border mergers and acquisitions in the financial services industry and the Presidency reported broad consensus for the continuation of the Commission’s work.

I might also note that Ireland has proven itself to be open to cross-Border consolidation, and there have been six foreign takeovers of Irish-based banks in recent years. As the Deputy will be aware, Ireland has a small domestic banking market, and these foreign market entrants can do much to improve competition.

**National Development Finance Agency.**

124. [Mr. Coveney] asked the Minister for Finance the targets he has set for the National Development Finance Agency; and the way in which it is performing against target. [33140/05]

**Minister for Finance (Mr. Cowen):** I refer the Deputy to my reply to Question No. 95 put by Deputy Paul McGrath on Wednesday, 5 October 2005, wherein I stated the following:

The National Development Finance Agency, NDFA, was established under the National Development Finance Agency Act 2002.

Section 3 of the Act sets out its functions in regard to advising State authorities on the optimum means of funding public investment projects in order to achieve value for money, including by means of public private partnership arrangements, PPP. Under the Act, it is a matter for the board to set any strategic objectives or targets to be met by the agency.

Under section 21 of the Act, the NDFA provides an annual report not later than six months after the end of each financial year. The report includes the accounts of NDFA which are presented to the Comptroller and Auditor General for audit. The report is laid before the Houses of the Oireachtas. Currently the report provides information on how the NDFA has performed its advisory functions in the year of account, including a list of projects on which it advised, and presents the annual accounts of the agency with the report of the Comptroller and Auditor-General thereon.

**Tax Code.**

125. [Mr. Sargent] asked the Minister for Finance if his Department has carried out or commissioned cost-benefit analyses of reforms to current tax residency rules; if he intends to undertake a reform of tax residency rules; and if he will make a statement on the matter. [32948/05]

**Minister for Finance (Mr. Cowen):** Residency rules were last updated in the 1994 Finance Act by the then Government following a comprehensive review of the matter by the Revenue Commissioners and my Department. The resulting new rules set out in the 1994 Finance Act both simplified and clarified the whole area and were generally welcomed.

I have no proposals to carry out the sort of analysis referred to by the Deputy. I have, however, asked the chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue large cases division, and to provide me with a report once this examination is complete. The chairman has confirmed to me that this work is under way and that he will report to me as soon as possible.

**Special Savings Incentive Scheme.**

126. [Mr. Hogan] asked the Minister for Finance if he has carried out any assessment of the impact of the maturing of special savings investment accounts on the economy, almost half of which will occur in 2006; the way in which this is being factored into tax estimates for 2006; and if he will make a statement on the matter. [33146/05]

**Minister for Finance (Mr. Cowen):** The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts are due to mature between May 2006 and April 2007. A total of 1.17 million accounts were opened during the period outlined.

The impact of maturing SSIA funds on the economy in 2006 and 2007 is subject to ongoing
Tax revenues arising from the economic impact of will be published in budget 2006. Any impact on will be reflected in the tax forecast for 2006 which is made by my Department of the likely will have on the economy. Tax revenue is a product of the level and composition of economic growth. Whatever assessment is made by my Department of the likely economic impact of maturing SSIA next year will be reflected in the tax forecast for 2006 which will be published in budget 2006. Any impact on tax revenues arising from the economic impact of maturing SSIA will be once-off.

**Tax Evasion.**

127. Mr. Sherlock asked the Minister for Finance the number of court prosecutions initiated as a result of tax evasion in respect of each year since 1997; the number of cases in which convictions were secured; the number of cases in which prison sentences were imposed and the sentence in each case; if he is satisfied himself with the level of court cases taken having regard to the high level of evasion; if he will report on the work of the investigations and prosecutions division of the Revenue Commissioners; and if he will make a statement on the matter. [33072/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the following information is the up to date position on court prosecutions initiated for tax evasion. In 1997, there was one prosecution and one conviction. A fine of €635 was imposed with no custodial sentence. In 1998, there were six cases and eight convictions; fines totalling €42,854 were imposed. There were two custodial sentences, one of six months suspended and one of two years suspended. In 1999, there were two cases and one conviction. In one case a fine of €19,046 was imposed with no custodial sentence. In the other the defendant was acquitted. In 2000, there were three cases and three convictions. Fines totalling €952 were imposed. There were two custodial sentences, one of two years, reduced to 18 months on appeal, and another of 12 months suspended. In 2001, there were four cases and four convictions. Fines totalling €14,284 were imposed. There were four custodial sentences, one of 12 months, two of six months suspended and another of three months. In 2002, there were three cases and three convictions. Fines totalling €5,540 were imposed and one custodial sentence of six months. In 2003, there were six cases and seven convictions. Fines totalling €29,365 were imposed and one custodial sentence of two years suspended. In 2004, there was one case and one conviction. A fine of €5,000 was imposed and 180 hours community service was imposed in lieu of a three months custodial sentence. In 2005 to date, there have been seven cases and nine convictions. There have been three custodial sentences, one of 16 month — this is currently under appeal — and two of three months each. In another two cases 240 hours and 120 hours of community service were imposed in lieu of custodial sentences of six months and three months, respectively. Fines totalling €185,400 were imposed. A further five cases are before the courts.

The Revenue Commissioners have a clear policy of prosecuting cases of serious tax evasion. This function is tasked to their investigations and prosecutions division. Following the restructuring of Revenue in 2003, all investigation activity was consolidated in this division with a remit to coordinate all Revenue prosecution work and, in particular, to increase the number of criminal investigations for serious tax offences and ultimately to increase the number of prosecutions. The number of investigators was also increased for this purpose.

The most recent figures indicate that this approach is proving successful. There are currently 56 cases under investigation for potential prosecution, the Director of Public Prosecutions is considering a further 11 cases and has given directions to prosecute in another six. Bench warrants have been issued in two cases for failure to attend court and, as I stated, five cases are in the court process. Combined with the seven successful prosecutions to date in 2005, of which the conviction and sentence in one case is under appeal, it is the highest overall figure to date and vindicates the decision to concentrate Revenue Commissioners’ prosecution resources in one area.

**Tax Code.**

128. Ms O'Sullivan asked the Minister for Finance the steps he has taken to ensure that schools do not abuse the tax relief for eligible charities scheme when requesting the payment of voluntary contributions by parents; and if he will make a statement on the matter. [27656/05]
Minister for Finance (Mr. Cowen): The provisions of section 848A of the Taxes Consolidation Act 1997 govern the operation of the scheme for tax relief on donations to eligible charities and other approved bodies. The administration of those provisions is the responsibility of the Revenue Commissioners.

I am informed by the Revenue Commissioners that primary and secondary schools qualify as approved bodies under the donations scheme once the education being provided is based on a programme prescribed or approved by the Minister for Education and Science.

Voluntary contributions by parents to schools can qualify as a relevant donation for tax relief purposes under the scheme once the contribution amounts to at least €250 in a tax year and meets the conditions set out in section 848A. One such condition is that neither the donor nor any person connected with the donor receives a benefit, either directly or indirectly, as a consequence of making the donation. Accordingly, a voluntary contribution in exchange for education being provided to the donor’s child would not be regarded as genuinely voluntary and would not qualify for tax relief.

When the scheme was introduced in 2001 Revenue wrote to each primary and secondary school registered with the Department of Education and Science advising them of this new donations scheme and, in particular, of the conditions attaching to donations. Earlier this year, arising from certain concerns, the Revenue Commissioners specifically reminded each of some 90 fee-paying primary and secondary schools that school fees or contributions substituting for school fees did not qualify as eligible donations under the scheme. Contact has also taken place between Revenue and the Department of Education and Science on relevant issues associated with the overall operation of the scheme.

The Revenue Commissioners advise me that in 2004, 61 schools out of a total of over 4,000 registered with the Department of Education and Science lodged refund claims in respect of donations by individual PAYE donors. I have also been advised by the Revenue Commissioners that they implement controls and monitoring procedures in relation to the operation of the donations scheme in an appropriate and balanced way, commensurate with the risk to the Exchequer.

Tax Collection.

129. Mr. Gilmore asked the Minister for Finance in regard to the almost €2.5 billion remaining outstanding in uncollected taxes, his views on the proportion of this the Revenue Commissioners expect to recover; if any new measures are planned to assist in the collection of outstanding taxes; and if he will make a statement on the matter. [33047/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the total tax debt outstanding at 31 March 2005, as reported in Revenue’s annual report and in the recent report of the Comptroller and Auditor General was €1.2 billion, not €2.5 billion as quoted by the Deputy.

As with any tax system, there will always be people who pay late, people who try to avoid paying and people who can not pay. In this context it is important to note that the debt of €1.217 million at 31 March 2005 is €146 million or 10.7% less than at 31 March 2004. The figure represents 2.5% of annual gross collection and is one of the lowest percentages of any tax administration internationally. This compares to a total debt of 4% of gross receipts in 1999, 15% in 1994 and 30% in 1989. Of this figure, €278 million of the total debt is under appeal with a further €349 million under control or at enforcement. The remainder, €590 million is under active collection.

It is the goal of Revenue, as stated in its statement of strategy 2005-2007, that all debt on record should be less than five years old, or the subject of active enforcement or court proceedings. In this context, I am advised by Revenue that it would expect the current collectible tax debt and any additional debt that will arise for periods up to 31 December 2004, through assessments made by Revenue or submission of overdue returns by taxpayers, would ultimately be reduced over the next five years very substantially. That reduction will be achieved primarily by collection of the debt due.

Revenue has emphasised the changing element of the debt make-up and the difficulty that this creates in making an estimate of the likely reduction in the debt figure over a five-year period. Revenue’s strategies and methodologies adopted to achieve a reduction over a five-year period will be subject to annual review and evaluation that is carried out within the context of the business planning process.

Tax Yield.

130. Mr. M. Higgins asked the Minister for Finance the amount collected to date by the Revenue Commissioners through special investigations; and if he will make a statement on the matter. [33049/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that figures of the total yield from various special investigations and initiatives by the Revenue Commissioners, which are available for the years
1998 to 2004 and updated to 31 October 2005, are set out in the following table.

Yield from Special Investigations up to end October 2005.

<table>
<thead>
<tr>
<th>Heading</th>
<th>Total yields</th>
<th>€ million</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIRT Audits</td>
<td></td>
<td>225.0</td>
</tr>
<tr>
<td>Bogus Non-Resident Accounts</td>
<td></td>
<td>598.2</td>
</tr>
<tr>
<td>Offshore Assets</td>
<td></td>
<td>771.6</td>
</tr>
<tr>
<td>Single Premium Policies</td>
<td></td>
<td>374.0</td>
</tr>
<tr>
<td>Ansbacher</td>
<td></td>
<td>53.8</td>
</tr>
<tr>
<td>NIB/Clerical Medical</td>
<td></td>
<td>55.5</td>
</tr>
<tr>
<td>Tribunals</td>
<td></td>
<td>36.2</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2,114.3</td>
</tr>
</tbody>
</table>

I am informed by the Revenue Commissioners that further information on the yields from the various special investigations and initiatives can be found on the Revenue website at www.revenue.ie.

**National Development Plan.**

131. **Ms B. Moynihan-Cronin** asked the Minister for Finance if he is satisfied with the rate of implementation of the current national development plan; if the plan will be implemented in full by the end of 2006; the figures available on the number of projects under the plan that have been completed to date in 2005; and if he will make a statement on the matter. [33057/05]

**Minister for Finance (Mr. Cowen):** I am broadly satisfied with the rate of both financial and physical implementation of the national development plan, NDP. The monitoring committees for each of the national development plan’s seven operational programmes, OPs, have met in recent weeks to consider progress to end June 2005 for their respective programmes. It is estimated that around €39 billion or some 88% of the profiled expenditure for the period of the NDP from January 2000 to end June 2005 has been incurred at end June 2005.

With respect to the operational programmes, the economic and social infrastructure OP is performing well with expenditure at 102% of profiled expenditure for the period January 2000 to end June 2005. Expenditure on the employment and human resources development OP has achieved 97% of profiled expenditure for the same period and is on course to meet its targets. Performance of the productive sector OP is behind target with 49% of the original profiled expenditure having been achieved. The key factors accounting for this relate to the lower take up of financial opportunities by the private sector and less than anticipated absorption capacity for research and development projects in the BMW region. Despite this, physical performance is close to target for the period.

The Border, midlands and western, and southern and eastern regional OPs, are showing absorption rates of 61% and 68% of profiled expenditure for the period January 2000 to end June 2005, respectively. Good progress is evident under the local infrastructure and social inclusion and child care measures. Difficulties still exist in the tourism and agriculture sectors where implementation has been slower and demand for grant support has been less than anticipated. The PEACE and technical assistance OPs are on track to meet their targets by the end of the programming period.

With respect to the eventual outturn for the NDP, I expect the end-2006 position for the key economic and social infrastructure OP and employment and human resources development OP to be close to or above targets. Similarly, the position for the PEACE and technical assistance OPs will be close to their targets at the end of 2006. The regional programmes and the productive sector OP are unlikely to achieve their end 2006 targets.

**Tax Code.**

132. **Mr. Quinn** asked the Minister for Finance when the Government will honour the commitment given in An Agreed Programme for Government that 80% of all earners will pay tax only at the standard rate, especially in view of the fact that the proportion of taxpayers paying at the higher rate is expected to increase from 32.61% in 2004 to 33.17% in 2005; and if he will make a statement on the matter. [33069/05]

**Minister for Finance (Mr. Cowen):** The 80% target in An Agreed Programme for Government is given in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down in order to strengthen and maintain the competitive position of the Irish economy.

Further progress in this area will be a matter for consideration in the context of the annual budgets over the next number of years consistent with the Government’s overall economic and budgetary strategy. However, I point out to the Deputy that the Government’s tax policies since 1997 have ensured that Ireland now has the lowest tax wedge in the EU, and one of the very lowest in the entire OECD as measured by that organisation using comparative data relating to those earning an average production wage. In addition, after tax income, adjusted for CPI inflation, for a person on the average industrial wage, is now 40% higher than it was in 1997. About half of this increase is due to lower taxes.
Moreover, I should add that one reason many income earners pay at the higher rate is because incomes have increased significantly. This is an indication, not of a problem, but of a major economic success.

**Decentralisation Programme.**

133. Mr. S. Ryan asked the Minister for Finance if any estimate has been undertaken of the number of civil or public servants who do not wish to relocate and who will be surplus to requirements as a result of their jobs being transferred to other locations under the Government’s decentralisation programme; the jobs that will be provided for these personnel; and if he will make a statement on the matter. [33065/05]

Minister for Finance (Mr. Cowen): From the outset both the Government and I have made it clear that participation in the decentralisation programme is voluntary.

Because of the nature of the programme it is not possible at this stage to estimate the number of public servants who do not wish to relocate as individual circumstances are open to change and therefore figures can fluctuate. The picture will become clearer over the coming period as staff are assigned to decentralising organisations.

As people who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. A number of people have already availed of such opportunities.

It is hoped to extend these arrangements over the coming months and negotiations in this regard are ongoing with the unions who represent civil and public servants.

**Revenue Investigations.**

134. Mr. Stagg asked the Minister for Finance the number of individuals, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts at the latest date for which figures are available; the number of cases where settlements have been agreed and the amount paid to date in 2005; the number of cases still outstanding; if any additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspectors; and if he will make a statement on the matter. [33074/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that their Ansbacher review team has been carrying out detailed investigations since October 1999. The investigation has essentially two elements. There are Ansbacher type arrangements and there are other cases involving offshore funds and deposits.

Revenue has advised that the review team has inquired into 289 cases to date and 159 of these cases have been finalised. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed on the High Court inspectors’ report and 110 similar cases discovered by Revenue or listed in the authorised officer’s report.

A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information. The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in relation to cases under investigation is now nearly 700.

Revenue is making extensive use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available.

Revenue has made ten successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation, which are relevant to liabilities of Ansbacher account holders. Some 200,000 documents have been received under the terms of the High Court orders. Advanced investigative computer software is used in controlling and managing the documentation.

To date a total of €53.77 million has been received, consisting of settlements and payments on account, in respect of 102 cases. This is made up of:

<table>
<thead>
<tr>
<th>Cases involving Ansbacher or Ansbacher type arrangements</th>
<th>€million</th>
</tr>
</thead>
<tbody>
<tr>
<td>83</td>
<td>44.39</td>
</tr>
<tr>
<td>Other cases involving offshore funds or deposits</td>
<td>19</td>
</tr>
<tr>
<td>19</td>
<td>9.38</td>
</tr>
</tbody>
</table>

Total 102 53.77

The 159 cases which have been finalised consist of 73 cases which were settled on payments of €42.57 million, included in the amount above, 46 non-resident cases which are covered by the provisions of double taxation agreements, 31 cases where no additional liabilities arose and nine
which were covered by the 1993 amnesty provisions.

Revenue made an application under section 11 of the Companies Act 1990, for a copy of the High Court inspectors’ report. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, Revenue made a further application to the High Court for access to the supporting papers to the High Court inspectors’ report. The High Court order in the matter was granted in June 2004 and perfected in January 2005 and allows for access to documents relating to clients of Ansbacher named in the High Court inspectors’ report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to cooperate with their inquiry. The order also allows for Revenue to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company. Access to documents is subject to the direction of the High Court. Revenue has applied, on foot of the order, for access to documentation in respect of certain cases named in the High Court inspectors’ report. Some documentation has been supplied and further documentation is awaited.

Revenue has informed me that although substantial progress has been made, the investigations are time-consuming and complex and are likely to continue for some time to come.

Question No. 135 answered with Question No. 113.

State Property.

136. Mr. Sherlock asked the Minister for Finance the current position regarding the planned sale of State property announced; the property sold to date and the amount raised; the way in which the money used has been raised; the properties it is planned to sell during 2005; and if he will make a statement on the matter. [33071/05]

Minister of State at the Department of Finance (Mr. Parlon): As part of the transforming of state assets programme the following properties have been disposed:

## Disposed of in 2004.

<table>
<thead>
<tr>
<th>Building</th>
<th>Method of Sale</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Church St., Dungarvan, Co. Waterford</td>
<td>Public Auction</td>
<td>€337,000</td>
</tr>
<tr>
<td>Lad Lane, Dublin 2.</td>
<td>Public Tender</td>
<td>€22,500,000</td>
</tr>
<tr>
<td>Blacklion Customs Frontier Post Site — Cavan 72-76 St. Stephen’s Green, Dublin 2.</td>
<td>Private Treaty to Cavan Co. Co.</td>
<td>€21,586.23</td>
</tr>
<tr>
<td>Kilmacthomas G.S., Co. Waterford</td>
<td>Public Tender</td>
<td>€52,300,000</td>
</tr>
<tr>
<td>14/16 Lord Edward Street, Dublin 8.</td>
<td>Public Tender</td>
<td>€8,780,140.48</td>
</tr>
<tr>
<td>Thomastown GS, Co. Kilkenny</td>
<td>Public Auction</td>
<td>€450,000</td>
</tr>
<tr>
<td><strong>Total 2004:</strong></td>
<td></td>
<td><strong>€84,488,726.71</strong></td>
</tr>
</tbody>
</table>

## Disposed of to-date in 2005.

<table>
<thead>
<tr>
<th>Building</th>
<th>Method of Sale</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dungloe Former SWO, Co. Donegal</td>
<td>Private Treaty</td>
<td>€300,000</td>
</tr>
<tr>
<td>Le HIGHINbridge GS, Co. Carlow — disposal of part of site</td>
<td>Public Auction</td>
<td>€165,000</td>
</tr>
<tr>
<td>Ashbourne GS — disposal of part of site</td>
<td>Public Auction</td>
<td>€2,125,000</td>
</tr>
<tr>
<td>St. John’s Road site (Westgate)</td>
<td>Public Tender</td>
<td>€44,916,551.79</td>
</tr>
<tr>
<td>Ballinskelligs Old Garda Station, Co. Kerry</td>
<td>Public Auction</td>
<td>€409,693.03</td>
</tr>
<tr>
<td>Kilronan CGS, Galway. Sale of site to Udarás.</td>
<td>Private Treaty</td>
<td>€1,416.53</td>
</tr>
<tr>
<td>Galway — 16 Eyre Square</td>
<td>Private Treaty</td>
<td>€9,920.59</td>
</tr>
<tr>
<td><strong>Total 2005 (to-date):</strong></td>
<td></td>
<td><strong>€47,927,581.94</strong></td>
</tr>
</tbody>
</table>

The bulk of the proceeds of these sales will go to finance the decentralisation programme while €10 million of the proceeds has been applied to priority projects, mainly in the Garda area.

Identification of properties surplus to requirements is continuously evolving; premature release of disposal information and timescales would affect the potential income from such disposals.
Properties identified for disposal before the end of 2005 are as follows:

<table>
<thead>
<tr>
<th>Property for Sale</th>
<th>Method of Sale</th>
<th>Guide Price Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>The former Vet. College, Shelbourne Road, Dublin 4</td>
<td>Public Tender</td>
<td>€100m</td>
</tr>
<tr>
<td>26-27 Eden Quay, Dublin 1.</td>
<td>Public Tender</td>
<td>€4m</td>
</tr>
<tr>
<td>Muff Garda station, Co. Donegal</td>
<td>Public Auction</td>
<td>€195,000</td>
</tr>
<tr>
<td>Bridgend former Customs &amp; Excise Post, Co. Donegal</td>
<td>Public Auction</td>
<td>€350,000</td>
</tr>
<tr>
<td>Knocknagoshel Garda station house, Co. Kerry</td>
<td>Public Auction</td>
<td>€75,000</td>
</tr>
<tr>
<td>Lynch’s Lodge Hotel, Macroom, Co. Cork</td>
<td>Public Tender</td>
<td>€3.5m</td>
</tr>
<tr>
<td>Gardiner St. former SWO, Dublin 1.</td>
<td>Private Treaty</td>
<td>Property swap plus €2.5m</td>
</tr>
<tr>
<td>Chantilly site, Rathmichael, Co. Dublin</td>
<td>CPO compensation</td>
<td>€4.5m</td>
</tr>
<tr>
<td>CPO Ballyshannon SWO, Co. Donegal</td>
<td>CPO Compensation</td>
<td>€2,500</td>
</tr>
</tbody>
</table>

**Tax Code.**

137. *Ms O. Mitchell* asked the Minister for Finance the way in which he will present to Dáil Éireann the detailed reports emerging from the present review of various aspects of the tax code. [33145/05]

**Minister for Finance (Mr. Cowen):** As the Deputy is aware, I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners are undertaking a detailed review of certain tax incentive schemes and tax exemptions in 2005.

Two external consultancy firms have been examining the area-based and sectoral property tax incentive schemes. The review also involves the examination by my Department and the Revenue Commissioners of certain other tax reliefs and exemptions, especially if these may be used by high earners to reduce their tax bills.

The final reports from the consultants have been received by my Department and the findings from these reports will be taken into consideration in the context of the 2006 budget and Finance Bill.

I am not in a position to indicate the likely publication date for the reviews.

138. *Ms O’Sullivan* asked the Minister for Finance if, in view of the fact that in the period between 1 January and 23 September 2005 more than €249 million has been repaid to taxpayers on foot of reviews conducted by the Revenue Commissioners at taxpayers’ requests, the Revenue is taking any steps to ensure greater accuracy of returns; if, in particular, there are plans for information campaigns to ensure that taxpayers are made fully aware of all their entitlements and are claiming all credits and allowances provided for; and if he will make a statement on the matter. [33066/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that a wide range of initiatives has already been taken to inform PAYE taxpayers of their entitlements to tax credits-reliefs and so avoid potential over-payments of tax.

Revenue informs me that the vast majority of PAYE workers receive their full entitlements every year. At the beginning of each year a tax credit certificate is issued to every PAYE taxpayer and this reflects the most up-to-date information that Revenue has regarding an individual’s entitlements. Revenue completed the issue of 2.24 million such certificates for 2005 in mid-February. Each certificate was accompanied by a simple but comprehensive leaflet giving full details of the credits-reliefs to which a taxpayer may be entitled including: main personal tax credits available for the year in question with comparative figures for the preceding year; tax rates and tax bands for the year in question; exemption limits for single, widowed and married persons; and how to claim an adjustment to the tax credit certificate.

Revenue uses media advertising on a regular and systematic basis to acquaint taxpayers about their entitlements and to encourage them to claim these. In relation to the PAYE community in particular there is extensive advertising of the budget provisions each year including a Revenue free-phone service which operates for two days immediately following the budget. Again when the tax credit certificates are being issued during January and February each year a newspaper and radio campaign is run to alert people to this.

In February 2005, Revenue launched a new self-service option for PAYE taxpayers. This service allows PAYE employees to claim, using the Internet, text messaging or the lo-call 1890 phone number, age credits for those over 65, service charges and trade union subscriptions. It also allows them to request a Form 12 — return of income, a Med 1 — medical expenses claim, a
ensuring that Revenue has the most up-to-date information campaign as will the rollout of the PAYE bulk issue of over 2.2 million tax credit certificates for 2006. I emphasise, cates for 2006 will again be the focus of an infor-
mation campaign as will the rollout of the PAYE and to simplify as far as possible the arrange-
ments for making these claims. The upcoming
bulk issue of over 2.2 million tax credit certificates for 2006 will again be the focus of an inform-
cation campaign as will the rollout of the PAYE on-line system in early 2006. I emphasise,
however, that the primary responsibility for

Revenue also publishes a wide range of claim forms, leaflets and guides on all PAYE credits
and reliefs which can be downloaded and printed from the Revenue website or ordered on-line. There is also a 24-hour telephone number available, 1890 30 67 06, for requesting forms or leaflets.

Revenue is well advanced in introducing a redesigned PAYE computer system which, in the early part of 2006, will provide on-line services to PAYE taxpayers including: access to their Revenue records over the Internet to ascertain allowances-credits given and details of pay and tax; amendment of their tax credit details over the Internet, for example, to claim an allowance-credit not on record or to change the amount involved for an existing relief; and requesting an on-line review of their liability or a balancing statement, based on the details available on the Revenue record, including where amended in relation to entitlements. This will further improve the facilities for taxpayers to check whether they have claimed their full entitlements and if not to claim them immediately.

Revenue already liaises with other State bodies and private institutions to facilitate the granting of credits-reliefs to PAYE taxpayers. For example, liaison in relation to: the tax relief at source, TRS, system which was introduced a number of years ago and which ensures that all those entitled to mortgage and medical insurance reliefs get these reliefs at source and do not have to make a claim to Revenue; and there is an ongoing exchange of information between Revenue and the Department of Social and Family Affairs in regard to certain taxable payments made by that Department to PAYE employees. This interaction will be enhanced considerably through the more timely exchange of information made possible by the redesigned PAYE system already referred to.

I am accordingly satisfied that Revenue is already very pro-active in the manner in which it ensures that PAYE taxpayers are made aware of their entitlements and facilitated in claiming these. Revenue keeps this issue under constant review and takes whatever steps are necessary in relation to public information campaigns so as to continue to inform taxpayers of their entitlements and to simplify as far as possible the arrangements for making these claims. The upcoming bulk issue of over 2.2 million tax credit certificates for 2006 will again be the focus of an information campaign as will the rollout of the PAYE on-line system in early 2006. I emphasise, however, that the primary responsibility for ensuring that Revenue has the most up-to-date

National Development Plan.

139. Mr. Eamon Ryan asked the Minister for Finance if progress reports for the period December 2004 to June 2005 concerning the southern and eastern regional operational programme of the national development plan have been presented to the monitoring committee; and if he will make a statement on the matter. [32946/05]

218. Mr. Boyle asked the Minister for Finance if progress reports for the period December 2004 to June 2005 concerning the southern and eastern regional operational programme of the national development plan have been presented to the monitoring committee; and if he will make a statement on the matter. [33307/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 139 and 218 together.

The Southern and Eastern Regional Assembly presented the progress report for the southern and eastern operational programme for the period January 2000 to end June 2005 to the programme monitoring committee on 24 October 2005.

Expenditure incurred under the programme from 1 January 2005 to 30 June 2005 is €284 million which represents 37% of the full year forecast expenditure. Cumulative expenditure under the programme from 1 January 2000 to 30 June 2005 is €2.96 billion which represents 68% of forecast expenditure for the corresponding period.

Of the four priorities under the programme, local infrastructure and social inclusion and child care are performing well with cumulative expenditure to end June 2005 at 72% and 84% of forecast expenditure for the corresponding period, respectively. Cumulative expenditure on the local enterprise and agriculture and rural development priorities both stand at 44% of forecast expenditure for the period January 2000 to end June 2005.

Tax Code.

140. Mr. Timmins asked the Minister for Finance his views on whether any other elements of the Irish tax code could be subject to challenge under State aid rules. [33112/05]

Minister for Finance (Mr. Cowen): Article 87(1) of the EC treaty prohibits, in general terms, the granting of aid by the State which distorts competition by favouring certain undertakings or the production of certain goods, in so far as the aid is liable to affect trade between member
[Mr. Cowen.]

states. There are a number of components to this provision, all of which must be met before a particular type of support can be classified as a State aid. The principal components are that: the aid in question is granted by a member state, which includes regional or local authorities, or other bodies that are acting on behalf of the State, or through State resources in any form whatsoever; the aid confers an advantage on the recipient; the aid is selective in its application, in as much as it is not afforded to other undertakings in the market in general; the aid is capable of distorting competition, usually by strengthening the competitive position of the beneficiary relative to other participants in the market, and is thus liable to have an effect on trade between member states.

The EC treaty also provides for circumstances in which State aids may be permissible in light of considerations of public policy.

The enforcement of the State aid rules across the member states is primarily a matter for the European Commission. It is not the practice of Ministers to comment on areas where, depending perhaps on interpretation of rules, or changing practice or jurisprudence, the Commission might wish to take a view in relation to the Irish tax code. As far as Ireland is concerned, all new proposed tax incentives are examined in light of the State aid rules, and it has been the general practice over recent years to discuss such measures with the European Commission and to notify schemes as appropriate.

Banking Sector Regulation.

141. Mr. Boyle asked the Minister for Finance his views on the Central Bank’s recent Financial Stability Report; and if he will make a statement on the matter. [32938/05]

Minister for Finance (Mr. Cowen): The central scenario underpinning the Central Bank’s Financial Stability Report published on 1 November, is that the outlook for the economy is broadly favourable. In overall terms the report concludes, on the basis of a comprehensive and wide-ranging analysis, that the Irish banking system remains in a good state of health and is reasonably well placed to weather possible adverse changes in economic conditions.

A key finding of the report is that a range of fundamental factors such as growing employment and incomes, falling inflation and low interest rates have supported the pattern of mortgage growth and associated debt levels. The report does, however, highlight the continuation of strong mortgage credit growth as an important risk factor. It emphasises, therefore, the importance of responsible behaviour by both borrowers and lenders, to factor into their financial decision-making the prospective impact of potential changes in the future economic environment.

I share the Central Bank’s assessment of the importance of maintaining financial and economic stability. In this regard, for my part I intend maintaining a responsible approach to maintaining stability in our public finances, which will ensure that the strategic direction of our economy will focus on sustainable real improvements in public services, social provision and infrastructure. In this context, I draw the Deputy’s attention to Government debt levels, which are the second lowest in the euro area, as well as to Ireland’s comparatively high levels of household savings rates, including SSIs. My Department continues to monitor the effectiveness of the current legislative framework for the regulation of consumer credit by the financial regulator.

Fiscal Policy.

142. Mr. Noonan asked the Minister for Finance his views regarding the pattern of economic growth and if it necessitates an adjustment in Government policy. [33118/05]

Minister for Finance (Mr. Cowen): Economic growth this year is being sustained primarily by consumption and investment with a weak performance by exports compared to previous years. The composition of economic growth will vary over time and from year to year. As an economy matures, the part played by consumption will tend to increase.

The level of export performance in any given year is due to a number of factors both external — such as world demand and exchange rates — and internal — such as competitiveness and the level of foreign direct investment taking place in the economy. We are concentrating on the internal factors in our incomes policy objectives and in our fiscal approach, in particular through low tax rates and incentives to build up our knowledge base, for example, through investment in research and development.

This is the right policy focus and we are open to considering such further measures as may be required from time to time to assist our economic performance.

Tax Evasion.

143. Ms McManus asked the Minister for Finance if, in regard to views expressed, that it was unacceptable that some of the wealthiest residents in Irish society should use property and other tax incentives to avoid paying any income tax while at the same time enjoying the services provided by the State, the steps he intends to deal with this situation; and if he will make a statement on the matter. [33055/05]
**Minister for Finance (Mr. Cowen):** I refer the Deputy to the long-standing practice of Ministers for Finance not to comment on what may or may not be contained in upcoming budgets. Any steps of the sort mentioned by the Deputy will be a matter for consideration in the context of the budget and Finance Bill.

**Tax Code.**

144. **Mr. Naughten** asked the Minister for Finance if he will introduce rollover relief on capital gains tax for landowners who have had their lands purchased for road construction; and if he will make a statement on the matter. [32911/05]

**Minister for Finance (Mr. Cowen):** As previously advised to the Deputy, capital gains tax, CGT, is a tax on a capital gain arising on the disposal of assets. A 20% rate of CGT applies on the gains arising on the disposal of assets, including land which is the subject of a compulsory purchase order, CPO.

It was announced in the 2003 budget that no rollover relief would be allowed for any purpose on gains arising from disposals on or after 4 December 2002. This relief was introduced when CGT rates were much higher than current levels. In effect, it was a deferral of tax to be paid, where the proceeds of disposal were re-invested into replacement assets. The taxation of these gains would take place following the eventual disposal of the new assets without their replacement.

The abolition of this relief was in accordance with the overall taxation policy of widening the tax base in order to keep direct tax rates low. Such reliefs and allowances made sense when CGT rates were 40% and above. In budget 1998, the rate was halved from 40% to 20%. Taxing capital gains when they are realised is the most logical time to do so, and this change brought CGT into line with other areas.

**Decentralisation Programme.**

145. **Mr. Rabbitte** asked the Minister for Finance if he will introduce rollover relief on capital gains tax for public servants who will have been decentralised from Dublin to other locations by the original deadline for the completion of the plan of December 2006; if, in view of the very poor response to the scheme so far, he has plans to review the scale or scope of the proposal; and if he will make a statement on the matter. [33061/05]

**Minister for Finance (Mr. Cowen):** I have no plans to change the scale or scope of the decentralisation programme. In line with the time-frames set out by the Decentralisation Implementation Group, I expect that up to 1,000 people will have decentralised to 11 locations by end 2006-early 2007.

I do not accept the assertion by the Deputy that there has been a very poor response rate to the Government’s decentralisation programme. As the Deputy will be aware there have been about 10,500 applications so far and new applications are being received each week. Since the closing of the priority application period on 7 September 2004, an average of over 20 new applications have been received each week over the past 14 months. The CAF remains open and continues to accept applications.

**Benchmarking Awards.**

146. **Mr. McCormack** asked the Minister for Finance when he proposes to issue Government guidelines in relation to a new benchmarking board; and if he will make a statement on the matter. [33114/05]

**Minister for Finance (Mr. Cowen):** In the pay agreement reached in June 2004 under the midterm review of Sustaining Progress, the parties agreed that the benchmarking body will commence the next benchmarking review in the second half of 2005 and report in the second half of 2007.

Talks between the public service employers and unions on the membership of the benchmarking body and its terms of reference have taken place. These talks are well advanced and are continuing. The body is likely to be established shortly.

The role of the body is defined in Sustaining Progress as being to carry out an evaluation of public service jobs and pay by reference to comparable jobs across the economy. The terms of reference of the body will elaborate on the factors to be taken into account by it. These terms of reference will be publicly available when the body is set up. The question of the Minister issuing guidelines does not therefore arise.

**Decentralisation Programme.**

147. **Mr. Durkan** asked the Minister for Finance the costs to date in 2005 associated with or accruing from the Government’s decentralisation programme; the number and location of buildings or sites purchased; the cost of same; the number and location of buildings or sites disposed or and consequent benefit to the Exchequer; when the programme will be completed; if any incentives have been built into the programme; and if he will make a statement on the matter. [33156/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Under the decentralisation programme, property negotiations have been completed or significantly advanced in 23 locations.

In the case of Athlone, the Curragh, Navan, Furbo and Sligo, OPW owned sites have been...
The system developed for the selection of public private partnership projects, like other capital projects, is based on the application of the Guidelines for the Appraisal and Management of Capital Expenditure in the Public Sector and complementary PPP-specific guidance issued by my Department. Departments and other sponsoring agencies must also seek the advice of the National Development Finance Agency, NDFA, on the optimum means of financing the cost of public investment projects or groups of PPP projects over €20 million in order to achieve value for money and on all aspects of financing, refinancing and insurance of public investment projects to be undertaken by means of public private partnership. This system has been developed on the basis of the experience gained with the pilot projects and international experience. We continue to keep the process under review.

The selection of projects to be procured by means of PPP is a matter for individual Depart-
ments, subject to the overall multi-annual capital investment framework and the relevant guidelines. Also, there are a number of forms of PPP used in Ireland, such as design, build and operate, not all of which involve the use of private finance.

**State Property.**

149. **Mr. Costello** asked the Minister for Finance when he sold the Department of Justice, Equality and Law Reform’s offices in St. Stephen’s Green; the purchaser of the premises; the price paid; the use to which the proceeds were put; and if he will make a statement on the matter. [29775/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Department of Justice, Equality and Law Reform’s offices, Nos. 72-76, St. Stephen’s Green, were sold on 15 September 2004 for €52,300,000.00 to Shelbourne Developments Limited. The proceeds of this sale were forwarded to the Department of Finance as an Exchequer extra receipt.

**Decentralisation Programme.**

150. **Mr. Rabbitte** asked the Minister for Finance when he sold the Department of Justice, Equality and Law Reform’s offices, Nos. 72-76, St. Stephen’s Green, to Shelbourne Developments Limited the price paid; the use to which the proceeds were put; and if he will make a statement on the matter. [33064/05]

**Minister for Finance (Mr. Cowen):** I am determined that the additional measures will be fully implemented in Departments and implementing agencies and I have also instructed my Department to engage with other Departments in relation to implementing them. I have also written to all Ministers asking them to ensure that their Departments take immediate steps, as appropriate, to implement the initiatives in areas under their remit. Follow-up work is under way in my Department in relation to updating existing guidelines and other necessary steps to ensure that all the measures are implemented in full.

The Deputy should note that these measures build on other initiatives introduced in recent years to improve the management of capital programmes and projects including five-year multi-annual budgets and revised guidelines for the appraisal and management of capital expenditure. The overall impact of these various developments has created a better framework for achieving value for money.

**Decentralisation Programme.**

152. **Mr. S. Ryan** asked the Minister for Finance the steps in place to ensure that the State receives full value for money in regard to contracts to purchase or lease that have been entered into arising from the Government’s planned decentralisation programme; and if he will make a statement on the matter. [33064/05]

**Minister for Finance (Mr. Cowen):** The Commissioners of Public Works have informed me that prior to entering into contracts to purchase or lease any particular property solution, a detailed and comprehensive assessment process is carried out.

This assessment process includes valuation reports on each option by professionally qualified valuers in order to establish the prevailing market values; a technical evaluation of all potentially suitable options, including architectural, structural engineering, mechanical and electrical engineering, and fire and security; seeking planning advice and archaeological reports where appropriate; and legal advice on title from the Chief State Solicitor.

On the basis of the relevant technical, valuation and other reports, a preferred option is identified and sanction is then sought from the Department of Finance to negotiate for its acquisition.
The Commissioners of Public Works are of the opinion that the procedures in place ensure that the prices paid for the properties acquired under the decentralisation programme are reflective of market values and represent good value for the taxpayer.

153. Ms Shortall asked the Minister for Finance if his attention has been drawn to the claim made by the trade union IMPACT that it will cost up to €65 million per year to retain specialist staff who do not wish to relocate under the decentralisation programme, but who will have no obvious role in Dublin; if his Department has undertaken any assessment of the likely cost of retraining arising from the programme; and if he will make a statement on the matter. [33063/05]

Minister for Finance (Mr. Cowen): While I am aware from media reports of the claim referred to by the Deputy, I am not aware of the basis of or the assumptions underpinning the claim and I can therefore offer no further comment on it.

As the Deputy will be aware from previous statements, duplication of staff in Dublin and the new locations is not planned. The Government has always recognised that, in addition to the personnel who have applied to decentralise, there is another group of equally dedicated civil and public servants who, for a range of personal and other reasons, are not in a position to relocate from Dublin. At the time of the announcement of the programme, the Government made it clear that all of those wishing to remain in Dublin would be offered alternative public service jobs. Arrangements will be put in place to allow staff whose jobs are being decentralised and who opt not to move out of Dublin to be reassigned to other jobs in Dublin. These will be discussed with the trade unions.

A number of meetings have already taken place between my Department and the unions representing professional and technical grades in Dublin and another such meeting will take place shortly.

In its most recent report, published in July, the decentralisation implementation group recognised that applications from the professional and technical grades have been fewer than in the general service grades. However, while the group recognised the particular complexities of the issues involved for these grades, it nonetheless said it believed progress in the coming months is possible through further discussion.

Public Service Contracts.

154. Mr. Howlin asked the Minister for Finance if he will ensure that future contracts in respect of Government projects stipulate that contractors must honour established conditions of employ-

Minister for Finance (Mr. Cowen): Under public procurement law, contractors are required to comply with all existing employment-related legislation including the registered employment agreements, employment protection provisions and working conditions, applying under existing laws, regulations and legally binding registered collective agreements.

Employment-related legislation is a matter in the first instance for the Minister for Enterprise, Trade and Employment. I understand non-compliance with any particular contract is a matter for contracting authorities in the first instance and can lead to prosecution under the law.

In the construction sector, where national standard forms of contract exist, the position is that contractors are required to provide pay and conditions of employment that are not less favourable than the terms of the registered employment agreements for the construction industry for those employees to whom the agreements apply. These standard forms of contract provide for termination for serious breaches of contract.

Northern Ireland Issues.

155. Caoimhghín Ó Caoláin asked the Minister for Finance if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [33154/05]

Minister for Finance (Mr. Cowen): There is a North-South dimension to the work of a number of areas in my Department. The lead North-South section in my Department is mainly involved in the process of agreeing corporate plans, business plans and annual budgets for North-South bodies established under the Good Friday Agreement. In co-operation with sponsor Departments, it is also involved in agreeing guidance for the bodies on various matters such as proper financial procedures. This work involves regular attendance at joint North-South meetings and liaison at official level with the Administration in Northern Ireland.

In addition, the freedom of information central policy unit of my Department has been involved, with the Department of Foreign Affairs, the NSMC joint secretariat and the OFMDFM in Northern Ireland, in the development of a code of practice on freedom of information to facilitate access to information held by each of the six North-South implementation bodies and Tourism Ireland Limited. Drafting of the code was completed earlier this year and was the subject of a public consultation exercise that ran for 16 weeks, ending on 7 October 2005.
During the consultation period, the code was also implemented on a pilot basis by the North-South bodies and Tourism Ireland Limited, which will continue to operate it on this basis pending formal adoption of the code by the responsible Ministers. The code is based on the provisions of FOI legislation currently in force in both jurisdictions. My Department is also involved in determining the remuneration, grading, numbers, pensions and other conditions of service of the staff of the North-South bodies and Tourism Ireland Limited.

I would also like to draw the Deputy’s attention to my Department’s substantial contribution to North-South co-operation. My Department actively assists cross-Border co-operation through supporting the Special EU Programmes Body in its role as managing authority to two EU-funded cross-Border programmes. The Special EU Programmes Body, SEUPB, is one of six North-South implementation bodies set up under strand II of the Good Friday Agreement. It operates under the political direction of the North-South Ministerial Council. The operating costs are met by my Department — 50% — and the Department of Finance and Personnel, Northern Ireland — 50%.

The two North-South EU programmes are PEACE II and INTERREG IIIA. The aim of the unique EU Programme for Peace and Reconciliation, PEACE II, is to promote reconciliation and help to build a more peaceful and stable society in Northern Ireland and the six southern bordering counties, namely, counties Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. It has a strong cross-Border focus and a minimum of 15% of funds are allocated to cross-Border activities in the public, private and community sectors. The total value of the overall PEACE effort since its commencement in 1995 is €1,504 million. The value of the PEACE II programme, which was extended at the end of 2004 for a further two years, 2005 and 2006, is €867 million since its commencement in 2000. I am very aware of the importance of the work of the programme to the peace process.

The INTERREG IIIA programme, 2000-2006, Ireland-Northern Ireland, aims to address the economic and social disadvantage that can result from the existence of a border. It covers most of Northern Ireland and the six southern bordering counties. All projects must be of a cross-Border nature. The value of the programme is €182 million.

My Department is making every effort to ensure that there is continued support for these EU-funded cross-Border programmes as part of the EU budget agreement for the next EU financial period 2007 to 2013. My Department plays an active role in interdepartmental consideration of North-South economic co-operation. As the Deputy may be aware, I have recently emphasised the scope and necessity for such co-oper-

ation. In this context, my Department will coordinate the drafting of the next national development plan to cover the period 2007 to 2013 and the Government has stressed that this will have an important all-island dimension.

### Revenue Investigations.

156. **Mr. Stagg** asked the Minister for Finance the number of individuals, companies and trusts being investigated by the Revenue Commissioners arising from the clerical medical insurance-NIB inquiry at the latest date for which figures are available; the number of cases where settlements have been agreed and the amount paid to date; the number of cases still outstanding; and if he will make a statement on the matter. [33073/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that arising from the clerical medical insurance-NIB inquiry, a total of 465 cases have been targeted for investigation. To date, 303 cases have been settled on payment of tax, interest and penalties amounting to €51.83 million. A further 119 cases have been finalised with no additional liability arising while the remaining 43 cases are the subject of ongoing investigation in respect of which the sum of €3.67 million has been paid on account.

Three cases have already been successfully prosecuted, with monetary fines being imposed in two cases and a suspended sentence being imposed in the other. The individuals concerned also settled their tax affairs and paid the tax outstanding together with interest and penalties. A further case has been investigated with a view to prosecution and is in the process of being reported to the Director of Public Prosecutions.

### Decentralisation Programme.

157. **Mr. McCormack** asked the Minister for Finance if his attention has been drawn to the serious problems being created in the decentralisation programme by the lack of clarity around the status of employees who do not wish to relocate; and if he will make a statement on the matter. [33134/05]

**Minister for Finance (Mr. Cowen):** From the outset, the Government has made it clear that participation in the decentralisation programme is voluntary.

As people who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. A number of people have already availed of such opportunities.
Economic Competitiveness.

158. Mr. Bruton asked the Minister for Finance his views on the contrasting trends reported by the Central Statistics Office regarding employment growth and output growth in the economy, which implies an unexplained collapse in productivity growth in the economy. [28595/05]

Minister for Finance (Mr. Cowen): The CSO’s most recent employment figures, taken from the Quarterly National Household Survey, showed that there were 1,929,200 people employed in the second quarter of 2005. This was an annual increase of 93,000 jobs, or 5.1%.

The sectors making the greatest contribution to this increase were construction, which was up by 36,400; and financial and other business services, which includes a wide range of service activities and was up by 20,100. Employment in the wholesale and retail trades also grew by approximately 7,000. On the other hand, employment in industry fell by over 6,000 persons and there was a decrease of about 3,000 in agriculture.

The CSO’s estimate of GDP, that is, the total output of goods and services in the economy, for the second quarter of this year showed an annual increase of 4.1%. Output of all sectors, other than agriculture, forestry and fishing, was up on the previous year.

By comparing the growth in employment and GDP, it is possible to calculate a crude indicator of the trend in labour productivity. For example, employment in the first half of 2005 was up 4.5% and in the same period GDP increased by 3.1%, implying an apparent decline in aggregate labour productivity of about 1.3%. However, care should be taken in interpreting differences between trends in quarterly employment and in GDP because timing differences and statistical volatility can affect the results. It is too early to conclude that aggregate productivity in 2005 has declined but there is evidence in recent years that while labour productivity levels continue to increase, the rate of growth is slower than was previously the case.

A major factor influencing the slowdown in the rate of increase in labour productivity is the change in the sectoral composition of the workforce. Productivity rates in Ireland have been exceptionally high compared with other countries because of the large numbers of foreign-owned high-tech industries that generate very high levels of output or value added. However, much of the strong employment growth in employment in recent years has been in other sectors of the economy with the result that the overall productivity levels have not grown as quickly in the past and are moving closer to the international norm. With more persons employed in construction and in the retail and service sectors, average output per worker has not grown as quickly as in previous years, although the total numbers employed have increased at a record rate.

In summary, while employment growth in the first half of 2005 has exceeded the growth in output as measured by the GDP, it is too early to conclude that there has been an unexplained collapse in labour productivity. The available information is still limited and part of the fall is explained by changes in the composition of employment. However, this is something that needs to be monitored as more information becomes available.

Decentralisation Programme.

159. Mr. Crawford asked the Minister for Finance the position regarding the progress of providing decentralisation, as promised, to Carrickmacross town and Monaghan town; if office space has been sourced; the number of personnel who have applied for transfer to either locations; and if he will make a statement on the matter. [32909/05]

Minister for Finance (Mr. Cowen): Following the Government’s decision to decentralise 85 civil servants to Carrickmacross, the OPW assessed a number of proposals to provide a property solution at this location. A suitable property solution proposal from the local authority has been identified. The proposal envisages a mixed-use development on a site of approximately nine acres owned by Monaghan County Council.

The local authority is currently assessing a number of proposals from contractors for a mixed-use development of the site. It has been agreed in principle with the local authority that the decentralised office for the Department of Social and Family Affairs will be accommodated within the mixed development.

A final decision by the local authority as to the preferred developer of the site is likely to be made early in the new year.

To date, there have been 92 applications to decentralise to Carrickmacross, Monaghan. As the Deputy knows, the Combat Poverty Agency is to move 70 of its staff to Monaghan. The process of sourcing a suitable property solution for Monaghan is continuing. To date, there have been 30 applications to move to this location.

Consultancy Contracts.

160. Ms Lynch asked the Minister for Finance the amount of money paid by the Revenue Commissioners to a consultancy company (details
supplied) in each of the past five years; the contracts or services provided in each case; the nature of the controls applied in the procurement process or processes; if the Revenue Commissioners are satisfied that value for money was achieved in each case; and if he will make a statement on the matter. [33054/05]

Minister for Finance (Mr. Cowen): In the period 2000 to 2004, the Office of the Revenue Commissioners has engaged the company referred to by the Deputy to undertake four assignments. Three involve the engagement of information technology professionals to develop and provide support for critical projects: integrated taxation services, ITS — the primary internal Revenue computer system; Revenue online service, ROS — the public facing pay and file service; and redesign of the PAYE computer system, PAYE. The fourth entailed management consultancy to support Revenue in the initial stages of the design of its large-scale organisational restructuring project.

All of the contracts were subject to open EU competitive tendering. Standard controls were applied to the tendering process and procedures followed as regards adherence to qualifying criteria, rigorous marking against the published acceptance criteria, with final presentation by the short-listed candidates to the specially constituted evaluation groups, which included external expertise as applicable.

Given the nature and span of the work, these were multi-year contracts. Expenditure on ROS has been largely funded from the information society fund. The software products that result from this expenditure are tangible assets and are recognised as such in the annual Appropriation Accounts.

The following table sets out details of the contracts, including the payment made in each year in which there was a payment to the company. The Revenue Commissioners assure me that in each case the work contracted for was delivered in a timely manner, within budget and to specification, and that the office achieved value for money in each case. The continued enhancement and evident success of Revenue’s collection, compliance and on-line services would not have been achieved without this expenditure.

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Tax Code.

161. Mr. O’Shea asked the Minister for Finance if he has received the report of the consultants commissioned to look at a range of tax breaks and shelters available to high earners; if not, when he will receive the report; if he will introduce any legislation arising from the report; and if he will make a statement on the matter. [33046/05]

Minister for Finance (Mr. Cowen): As the Deputy is aware, I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners are undertaking a detailed review of certain tax incentive schemes and tax exemptions in 2005. Two external consultancy firms have been examining the area-based and sectoral property tax incentive schemes. The review also involves the examination by my Department and the Revenue Commissioners of certain other tax reliefs and exemptions, especially if these may be used by high earners to reduce their tax bills. The final reports from the consultants have been received by my Department and the findings from these reports will be taken into consideration in the context of the 2006 budget and Finance Bill.

Question No. 162 answered with Question No. 114.

163. Ms O. Mitchell asked the Minister for Finance if he has received any fresh analysis of the tax relief availed of by top earners as revealed by the Revenue study of the 400 highest earners; and if he will indicate the findings. [33151/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners’ study, Effective tax rates of the top 400 earners: Report for the tax year 2001, was published by my Department in March of this year. I am informed by the Revenue Commissioners that a study of the effective tax rates of the top 400 earners in 2002 is close to completion and will be published in the normal course.

164. Mr. Costello asked the Minister for Finance the position in regard to his contacts with the EU Commission regarding its preliminary opinion that the stallion tax exemption scheme would seem to constitute an aid that is not com-
181. Mr. Timmins asked the Minister for Finance the action taken over recent months on the EU’s challenge to tax relief on stud fees. [33132/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 164 and 181 together.

As I have already outlined to the House, the stallion stud fee exemption was introduced in Finance Act 1969 and amended in 1985. The stallion relief was included as part of annual reports on aid granted in Ireland to the agriculture sector sent by the Department of Agriculture to the Commission in 1982 and on a number of subsequent occasions. The Commission wrote to the Irish authorities on 24 June 2003 stating a complaint had been received regarding the relief and asked that full details on the exemption be sent to the Commission in order for it to be assessed as a potential State aid.

In a subsequent letter of 6 January 2005 to the Irish authorities, the Commission indicated that it had come to a preliminary conclusion that the stallion tax exemption would seem to constitute an aid scheme that is not compatible with the Common Market. The letter set out the Commission’s reasoning and, against that background, invited Ireland to submit comments within one month together with any concrete proposals regarding how the scheme in question could be brought in line with Article 87 of the EC treaty.

Officials from my Department and the Department of Agriculture and Food met officials from the Commission Directorate General for Agriculture and Rural Development on 23 February 2005.

I, along with my colleague the Minister for Agriculture and Food, met the EU Commissioner for Agriculture and Rural Development in Brussels on 12 May last on this matter. At this meeting, I outlined the background to the relief and the development of the industry in Ireland over the past 30 years setting out the importance of the horse breeding industry here in terms of its contribution to employment and economic activity particularly in rural areas. I also took the opportunity to advise the Commission that, while I fully understood the Commission’s obligation to examine the relief on foot of the complaint it has received, it is necessary that the broader European and international aspects of this issue be taken into account. In particular, care should be taken not to disadvantage the Irish horse breeding industry — which is recognised as being a cornerstone of the European industry — relative to competitors from around the world.

I have reported on these discussions to my colleagues in Government and I have had further correspondence with the Commission on the matter over recent months. However, the issues involved regarding the tax exemption for stallion stud fee income are still under consideration. In the normal course, any proposals for change in tax exemptions are considered in the context of the annual budget.

Services for People with Disabilities.

165. Mr. Stanton asked the Minister for Finance the amount his Department made available in budget 2005 to address disability issues; the amount each Government Department or State agency was allocated; the services or supports that were provided as a result of these moneys allocated to the above; the tracking mechanisms that are in place to ensure these moneys are spent correctly; and if he will make a statement on the matter. [33084/05]

Minister for Finance (Mr. Cowen): When I published the 2005 expenditure Estimates in November 2004, I indicated that some €2.8 billion overall across Departments would be provided this year specifically for people with disabilities. This represented an increase of some €290 million, or 11%, on the 2004 figure. The €2.8 billion, which does not include spending on disabled persons who participate in and benefit from mainstream services which are available to the community generally, broke down as follows: Department of Health and Children, €2.143 million; Department of Education and Science, €532 million; Department of Enterprise, Trade and Employment, €63 million; Department of the Environment, Heritage and Local Government, €56 million; and Department of Justice, Equality and Law Reform, €8 million. In addition, the disabled drivers and passengers scheme under my Department was estimated to cost €45 million in tax reliefs this year.

Subsequently, on budget day, I allocated, for 2005 spending on disability services, a further €60 million capital expenditure to the Department of Health and Children in addition to an extra €3 million for the Department of Justice, Equality and Law Reform. In addition, I announced a multi-annual funding package of almost €900 million in capital and current expenditure over the 2006 to 2009 period targeted at the delivery of high-priority disability services. This multi-annual funding was divided between the Department of Health and Children, which received a cumulative €500 million current and €220 million capital, the Department of Education and Science, which received a cumulative €82 million current, the Department of the Environment, Heritage and...
Local Government, which received a cumulative €40 million capital, the Office of Public Works, which received a cumulative €40 million capital, and the Department of Justice, Equality and Law Reform, which received a cumulative €12 million current.

As regards the information sought regarding individual services, this is a matter for the individual Ministers concerned.

**Construction Industry Contracts.**

166. Mr. Hayes asked the Minister for Finance if he has reviewed the concerns expressed by the construction industry in relation to new Government contract terms; and if he will make a statement on the matter. [33129/05]

**Minister for Finance (Mr. Cowen):** Consultation with the construction industry and the relevant professional bodies on a suite of draft new standard forms of contracts for construction and new terms of engagement for construction-related consultants took place from the end of July of this year until late October. During these extensive discussions, the views, comments and concerns of the construction industry and the professional bodies were outlined in considerable detail. My Department and the Government Contracts Committee for Construction, GCCC, have examined in detail the issues raised and concerns expressed by the construction industry and the professional bodies during this phase of consultation and they will be responding to the industry and the professional body representatives on the outcome of this process very shortly.

**House Prices.**

167. Mr. O'Dowd asked the Minister for Finance the action he proposes to take to address the fact that the average house price in Dublin now exceeds the €315,000 stamp duty threshold set in budget 2005; and if he will make a statement on the matter. [30338/05]

**Minister for Finance (Mr. Cowen):** All owner-occupiers are generally exempt from stamp duty on new houses where the property is 125 sq m or less. As the Deputy will be aware, the 2005 budget introduced a stamp duty relieving measure for first-time house purchasers who are owner-occupiers of second-hand houses by increasing the stamp duty exemption threshold for such purchasers from €190,500 to €317,500 and by having reduced rates for house values up to €635,000. In addition, mortgage interest relief, MIR, is available at source in respect of interest paid on moneys borrowed for the purchase, maintenance, repair or improvement of that taxpayer’s main residence, including second-hand houses.

As the Deputy will appreciate, it is the usual practice not to comment on any possible changes in taxation in the weeks prior to the annual budget.

**Tax Yield.**

168. Mr. O'Shea asked the Minister for Finance if he will make a statement on the Exchequer returns for the first ten months of 2005. [33059/05]

**Minister for Finance (Mr. Cowen):** As the Deputy may be aware, the end-October Exchequer returns are available on my Department’s website. The results for the first ten months of 2005 indicate that the public finances remain in a sound position.

Tax revenue, at €29.422 billion, is €1,240 million ahead of profile for the end of October. Year on year tax receipts were up 8.6% compared to the profiled increase of 4% to the end of October 2005. The main excesses are on VAT, €427 million, stamps €423 million, income tax, including receipts from Revenue’s special investigations, €314 million, and excise, €171 million, while corporation tax is €209 million below profile.

Overall Exchequer issues for net voted spending were €27,466 million at the end of October compared to €25,429 million for the same period last year, thus indicating an increase of 8%. This was €1,095 million below the expenditure profile published in January and compares to the planned increase of 11% for the year as a whole provided for in the Revised Estimates.

**Tax Code.**

169. Mr. M. Higgins asked the Minister for Finance the steps he intends to take to deal with the continuing situation whereby millionaires and other very high income earners are able to reduce or eliminate liability for tax on their earnings; and if he will make a statement on the matter. [33050/05]

**Minister for Finance (Mr. Cowen):** I refer the Deputy to the long-standing practice of Ministers for Finance not to comment on what may or may not be contained in upcoming budgets. Any steps of the sort mentioned by the Deputy will be a matter for consideration in the context of the budget and Finance Bill.

**Special Savings Incentive Scheme.**

170. Dr. Upton asked the Minister for Finance the number of special savings incentive scheme accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; if, on the basis of such figures, the figure for likely cost to the Exchequer...
Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that, based on the analysis of the 2004 SSIA annual returns furnished by all qualifying savings managers, the total number of active accounts at 31 December 2004 was 1,094,294 and the average monthly subscription at that date was €175.

The cost of the scheme in 2004 was €548 million. If the current average monthly subscriptions for the first ten months of 2005 continued for the full year, the annual cost in 2005 would be approximately €590 million.

The total gross cost over the period of the scheme is reduced by the exit tax to be returned when the accounts mature. The first SSIA accounts are due to mature at the end of May 2006.

Tax Collection.

171. Mr. Penrose asked the Minister for Finance if, in regard to the Revenue Commissioners investigation into undisclosed funds invested in life assurance products, the number of persons who had made personal declarations prior to the deadline on 23 May 2005; the way in which this compares with the original estimate; the amount paid in settlements to date; if any estimate is available of the likely final amount of payments; and if he will make a statement on the matter. [33075/05]

172. Mr. Gilmore asked the Minister for Finance if he will make a statement on the number of random audits carried out by the Revenue Commissioners to date in 2005; the number expected to be undertaken by the end of 2005; and if he will make a statement on the matter. [33048/05]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that, with regard to the specials savings incentive scheme, the first payments will become due; the amount expected to be paid out by the Exchequer in each of the first 12 months after the SSIA matures; and if he will make a statement on the matter.

173. Mr. Sargent asked the Minister for Finance his views on the findings of the recent OECD report which estimated that Irish inflation would have been almost 1% higher if all house price costs were included in official data, thereby suggesting that inflation figures underestimate the real cost of living by ignoring a large part of soaring house prices; and if he will make a statement on the matter. [32947/05]

Minister for Finance (Mr. Cowen): Methodological issues are the responsibility of the director general of the Central Statistics Office, CSO, who is independent in deciding the statistical methodology and professional standards to be used in compiling price indices.

The OECD analysis focuses primarily on the harmonised index of consumer prices. It should be noted, however, that the coverage of housing

[Dr. Upton.]
costs in the consumer price index, CPI, is wider than in the HICP. In particular, mortgage interest payments are included in the CPI. Therefore, there are no grounds to suggest that the CPI figures underestimate the real cost of living over time. Discussions regarding the inclusion of housing costs in the HICP are currently ongoing between EUROSTAT and the national statistical institutes of the EU.

Departmental Agencies.

174. Ms Burton asked the Minister for Finance the role of the Centre for Management Organisation and Development within his Department; if CMOD has any role in regard to the development of the PPARS and FISP computer systems; if it is intended that the role of CMOD will be expanded or developed in any way to prevent waste of public money on such projects in the future; and if he will make a statement on the matter. [33042/05]

Minister for Finance (Mr. Cowen): The Centre for Management Organisation and Development is part of the organisation management and training division of my Department and its role is to provide a number of advisory and support services to the Civil Service in the areas of information and communications technology, staff development and management, and common systems development. It also manages delegation arrangements for ICT expenditures in the Civil Service, Garda, Defence Forces, Courts Service and Prisons Service. Delegation is given only where key technical and management practices are in successful use within an organisation, the most important of which are the use of project boards and formal project management techniques in their ICT projects and compliance with competitive procurement procedures.

In operating the delegation arrangements, Departments and offices are required to submit a broad value for money justification for each of their major ICT project proposals. This justification has to receive my Department’s approval prior to any commencement. The delegation arrangements also require Departments and offices to report on an annual basis their progress in relation to projects in the previous year.

Health boards prior to 2005 operated as statutory agencies and their ICT expenditures were dealt with by capital and current grants-in-aid from the Vote of the Department of Health and Children. As a result, CMOD did not have any role in monitoring ICT expenditures in the former health boards and had no involvement in the planning or development of either the PPARS or FISP systems. It is, however, directly involved in the review of PPARS development which is currently under way.

As a result of the increasing size and complexity of ICT projects being undertaken in the context of e-government, it was felt that the delegation arrangements had to be strengthened, particularly for large ICT projects. As the Deputy will be aware the Government recently decided that peer reviews should be immediately put in place for large ICT projects. It is worth noting that forms of peer review are also being implemented in other administrations to deal with size and complexity issues in ICT. In a peer review a team of experienced people external to the organisation would sense check the project sponsors plans and the arrangements they intended to put in place for the completion of the project. Peer review teams would include people with relevant experience from both the public and private sector as appropriate. It is not intended that such reviews would override in any way the accountability arrangements in place within organisations. The peer review process will particularly focus on the preparation of good business cases, on affordability, on the existence of sufficiently detailed plans, on strong governance arrangements being in place and on limiting the scope of a proposed project to the current ICT capacity of the sponsoring organisation.

It is intended that progress will be made before the end of 2005 in relation to having peer reviews carried out on some large scale projects. In the HSE it is intended to carry out reviews of PPARS, FISP and the planned new hospital information system.

I should emphasise that the peer review mechanism is a significant strengthening of the delegation arrangements as they apply to ICT expenditures. It allows responsibility for the delivery of ICT services to continue to rest with each organisation, while increasing the level of oversight for significant project proposals. The Deputy will be aware of a recent Government decision which significantly strengthens controls in the area of project management and the peer review process will check that these new controls have been taken fully into account. My Department will also be monitoring the development of this new process to ensure its continuing efficacy.

Legislative Programme.

175. Mr. Kenny asked the Minister for Finance the status of his proposals to reduce the fees payable at tribunals. [33133/05]

Minister for Finance (Mr. Cowen): The current position remains as set out in my response to the Deputy’s Question No. 93 of 5 October, 2005. As I indicated in my reply, in July last year the Government approved, on the initiative of the then Minister for Finance, reduced fees for all legal representation including that of third parties at tribunals or inquiries established from
September 2004, and to existing tribunals and inquires with effect from various dates set in the light of consultations between the Attorney General and the chairpersons of each tribunal or inquiry. The new fees represent less than 45% of the maximum rates previously payable to tribunal or inquiry counsel.

The Government's legislative programme for the current session includes a comprehensive Tribunal of Inquiry Bill 2005 which is being brought forward by the Minister for Justice, Equality and Law Reform to consolidate and reform the legislation relating to tribunals of inquiry. This Bill will also provide a statutory basis for the regulation of third party legal fees payable by the State and to improve the operational efficiency of tribunals. The foregoing measures are aimed at implementing the Government's stated objective of controlling costs associated with tribunals of inquiry.

**Departmental Estimates.**

176. Mr. Cuffe asked the Minister for Finance if he has conducted a review of the budgetary process or consulted with opposition parties regarding the budgetary process, as he averred to doing in his budget 2005 speech; his plans for reforming that process; and if he will make a statement on the matter. [32939/05]

**Minister for Finance (Mr. Cowen):** I have been examining proposals for reform of the Estimates and budgetary process in conjunction with my Government colleagues on foot of my budget 2005 announcement that I intended to consider options for reform in this regard. These deliberations are still ongoing and I will also take into account the recent Committee of Public Accounts report. As I indicated in my reply to a previous parliamentary question in the matter, any changes to current practices would have to be capable of being implemented in the short and medium term, would need to meet best practice, improve both the quality of debate and the data available to the House on the budget, meet our obligations to the EU and be capable of being delivered within the existing budget timetable. As I stated in my 2005 budget announcement any changes must also retain the right and duty of the Government to direct and manage the budgetary process. As regards the timing of the budget, it is critical that the Government in formulating the budget has the latest possible information available on fiscal trends before adopting the strategy for the following year. Thus, at present information on revenues to the end of November is to hands when the final budget strategy is adopted. Similar issues arise in determining expenditure for instance on the question of capital spend or possible carryover. I hope to announce the Government’s proposals for reform shortly.

I am fully committed to the principle that every euro of taxpayers’ money is well spent. I refer the Deputy to my speech of 20 October last to the Dublin Chamber of Commerce where I outlined a number of measures to improve value for money. This initiative builds on other measures introduced in recent years to improve the management of capital programmes and projects including five-year multi-annual budgets and revised guidelines for the appraisal and management of capital expenditure. The overall impact of these various developments has created a better framework for achieving value for money.

**Tax Code.**

177. Mr. Crawford asked the Minister for Finance his views on whether there is a need to reduce the vehicle registration tax rates on motor vehicles as a result of the EU proposals calling on the abolition of the vehicle registration tax; his further views on whether it is a very unfair tax and needs to be phased out over a number of years in order to minimise damage to the second-hand vehicle market; if he also accepts that there is a need to reduce excise duty on fuel to compensate for the increased VAT take on rising fuels; and if he will make a statement on the matter. [32910/05]

**Minister for Finance (Mr. Cowen):** VRT provides significant revenue to the Exchequer — €946 million in 2004 — which is used to fund vital public services. The European Commission has published a proposal for a directive in relation to car taxes which supports the gradual abolition of registration taxes which would be replaced by circulation taxes which would have a CO₂ element. However, discussion on this proposal is at the early stages. I should also point out that we regard VRT as a national tax that falls within the national competence. Quite simply, the mix of taxes, their levels and rates are a matter for EU member states based on legitimate choices.

Excise changes are a matter for the budget and, as the Deputy is aware, it is a longstanding practice of the Minister for Finance not to comment in advance of the budget on possible budget decisions.

178. Dr. Upton asked the Minister for Finance when the practice known as participation privilege, which allowed companies to repatriate from offshore companies without being subject to tax, was discontinued; the number of companies that availed of this procedure; the amounts repatriated in this way; and if he will make a statement on the matter. [33052/05]
Minister for Finance (Mr. Cowen): It has been a basic feature of our corporation tax code that resident companies are chargeable to tax on their worldwide income and capital gains, with credit for tax paid in countries with which we have a double taxation agreement given against Irish tax payable. Unilateral credit relief may also be available in respect of tax paid in a country with which Ireland does not have such an agreement. While several other countries also apply a credit system, some countries choose to relieve double taxation by providing a full exemption to resident companies in respect of their foreign-sourced income and capital gains. This latter system, under which such companies are exempt from further taxation in respect of repatriated dividends of overseas subsidiaries and profits of overseas branches, is known as participation privilege.

Limited forms of participation privilege were introduced in Ireland in 1988 for dividends repatriated from foreign subsidiaries — section 222 of the Taxes Consolidation Act 1997 — and in 1995 for companies with foreign branch profits — section 847 of Taxes Consolidation Act 1997. These reliefs were terminated with effect from 15 February 2001 in order to conform with the EU code of conduct on harmful tax practices. Both measures required ministerial certification which had to have been issued before 15 February 2001.

Section 222 of the Taxes Consolidation Act 1997 provided an exemption from corporation tax where dividends repatriated from subsidiaries located in countries with which Ireland has a double taxation agreement were applied towards the creation or maintenance of employment in the State. A certificate had to be given by the Minister for Finance specifying the amount of the dividends qualifying for exemption on the basis of an investment plan for the creation and maintenance of employment in trading operations carried on in Ireland. Such a certificate must have been given before 15 February 2001. In total 12 certificates have been granted to Irish companies although in a number of cases the investment plans were not implemented and so no tax relief was claimed. All the investments made on the basis of approved plans were executed before the end of 1999. Almost €287 million was repatriated for investment here under this relief.

Section 847 of the Taxes Consolidation Act 1997 provides for an exemption from corporation tax and capital gains tax in respect of the income and gains of a foreign branch of an Irish company that creates substantial new employment in Ireland resulting from a substantial new investment of permanent capital in the State. The exemption is granted to a company to which the Minister for Finance has given a certificate before 15 February 2001 where the Minister is satisfied that an investment plan submitted to him will result in the creation of substantial new employment in the State and that the maintenance of that employment is dependent on the carrying on of trading operations by the company through a foreign branch or branches. The investment plan must be framed in accordance with published guidelines. The exemption cannot be claimed after 31 December 2010. Three certificates have been granted but in two cases relief had never been claimed. As only one taxpayer claimed the relief, it is not appropriate to give details of the amount involved.

Budget Submissions.

179. Mr. Crowe asked the Minister for Finance if he has received the pre-budget 2006 submission of the End Child Poverty Coalition; and if he will make a statement on the matter. [33152/05]

Minister for Finance (Mr. Cowen): I have received a pre-budget submission from the organisation concerned and 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 budget decisions.

Fiscal Policy.

180. Mr. Boyle asked the Minister for Finance his plans to take measures to reduce the Irish economy’s exposure to the housing market; and if he will make a statement on the matter. [32937/05]

Minister for Finance (Mr. Cowen): As outlined by my Department in Economic Review and Outlook, published in August 2005, while the outlook for the Irish economy is one of growth, there are significant downside risks which could alter this picture. One of the risks identified is the pace at which new housing output adjusts downwards to more sustainable levels given that sector’s importance in terms of real growth in the economy. Developments in the housing market are being closely monitored by my Department. More broadly, in policy terms, I plan to retain a prudent macro-economic approach focused on improving competitiveness and providing economic stability and certainty.

Question No. 181 answered with Question No. 164.

Public Works Schemes.

182. Mr. O’Dowd asked the Minister for Finance the cost of the Great Blasket island management plan; the estimates received for the provision of water, sewerage and so on, on the Blasket Island and other proposed works including upgrading the existing pier at Dun Chaoin; and if he will make a statement on the matter. [30434/05]
Minister of State at the Department of Finance (Mr. Parlon): The Government decision dated 6 July 2005 approved an overall provision of €8.5 million for implementation of the proposals contained in the management plan, including purchase of lands and property, provision of piers on both the island and mainland — at Dun Chaoin — conservation of the core conservation area, administration and consultancy. The provision of a water supply is to be achieved by means of a group water scheme while the provision of sewerage facilities, and the cost of these, will be a matter for the individuals concerned. To date a total of €711,000 has been spent on the overall project.

Semi-State Bodies.

183. Mr. J. O’Keeffe asked the Minister for Finance the general policy which he advocates in relation to dividend payments by commercial state companies. [33160/05]

Minister for Finance (Mr. Cowen): The question of dividend payment is a matter for the board of each company. I expect the board would give due consideration to the views of the shareholder on the issue of dividends in the context of its deliberations on that matter. Expectations in relation to dividend receipts vary from company to company depending on the company’s financial position generally and its capital investment requirements etc.

Tax Code.

184. Mr. Quinn asked the Minister for Finance if the Government is committed to keeping those on the national minimum wage out of the tax net; the number of persons on the national minimum wage who have been brought back into the tax net as result of the increase to €7.65 per hour which came into operation on 1 May 2005; if he intends to take steps to take low earners from the tax net; and if he will make a statement on the matter. [33070/05]

Minister for Finance (Mr. Cowen): As the Deputy is aware, it is not the practice for the Minister for Finance to announce the income tax or other changes he intends to make in forthcoming budgets. However, I might remind the Deputy that it was this Government that introduced the minimum wage to protect low paid workers and it was this Government which over the last eight budgets removed a record number of about 465,000 workers from the tax net entirely. In addition, I point out that we now have one of the highest minimum wages in the European Union, second only to Luxembourg. Since its introduction in April 2000, the minimum wage has increased by almost 37% taking account of the latest increase, well ahead of inflation.

As regards the statistics sought by the Deputy, the present entry point to income tax is €14,250 per annum for a single person aged under 65. The latest provisional estimate from the Revenue Commissioners is that there will be roughly 33,000 income earners in an income range which would bring them into the tax net if their annual earnings reflected fully the increase in the national minimum wage. However, this group will of necessity include part-time workers earning more than the minimum hourly wage, and certain pensioners whose earnings are in the equivalent range. The 33,000 should therefore be seen as the upper band for any estimate of the number who may ultimately come into the tax net on a full year basis as a result of the minimum wage increase.

Decentralisation Programme.

185. Mr. Eamon Ryan asked the Minister for Finance his views on the establishment of an independent investigation into the costs of decentralisation in view of the estimate made by the trade union Impact that decentralisation will result in €65 million additional costs on an annual basis; and if he will make a statement on the matter. [32945/05]

Minister for Finance (Mr. Cowen): I have no plans to establish an investigation into the costs of decentralisation. While I am aware from media reports of the claim referred to by the Deputy, I am not aware of the basis of or the assumptions underpinning the claim and consequently I can offer no further comment on this claim.

Departmental Consultations.

186. Ms McManus asked the Minister for Finance the consultation process he intends to undertake in advance of the introduction of a new national development plan; and if he will make a statement on the matter. [33056/05]

Minister for Finance (Mr. Cowen): The Government announced last August that, as part of the preparation of NDP 2007-2013, it would undertake a full consultation process. This consultation process will involve the social partners, regional interests and other concerned interest groups. The consultation process will commence in the near future.

Capital Expenditure.

187. Mr. English asked the Minister for Finance his views on whether the reasons underlying the shortfall in capital expenditure in 2005 will be
corrected by the end of 2005; and if he will make a statement on the matter.  [33124/05]

Minister for Finance (Mr. Cowen): At end October, Departments indicated a net capital underspend against profile of €514 million. When account is taken of the €237 million spend of capital carryover from 2004 net voted capital spending actually increased year on year by 8.8%. The main areas of underspend as compared with profile at end October were: Department of Transport, €196 million; Department of Health and Children, €108 million; Office of Public Works, €53 million; and Department of Enterprise, Trade and Employment, €48 million. The reasons for the underspend include rollout of some projects being behind target, timing delays in relation to certain land projects, lower demand for some schemes and higher other source income.

While Departments have been urged to maximise spending over the rest of the year consistent with Government accounting requirements and value for money best practice there will be an underspend at end year. The first indication from Departments generally of the extent of their possible underspend will be known when the 2006 Abridged Estimates volume is published on 17 November. Departments will have the option of carrying over unspent Exchequer capital of up to 10% of their voted overall capital allocation to the following year under the rolling multi-annual capital envelopes thereby ensuring that such amounts are not lost to the capital budget.

Decentralisation Programme.

188. Ms Shortall asked the Minister for Finance the anticipated costs, in terms of acquiring and equipping premises and other related costs at the latest date for which figures are available, of the original decentralisation programme announced in budget 2004 and the slimmed down version announced in December 2004; and if he will make a statement on the matter.  [33062/05]

Minister of State at the Department of Finance (Mr. Parlon): The Government is committed to the full implementation of the decentralisation programme announced in budget 2004, involving some 10,300 civil and public service jobs in more than 56 locations. My office is in the process of procuring appropriate properties in the designated locations for the departments and agencies involved, with much progress having been made over the past year. Property acquisition negotiations are completed or are significantly advanced at 23 locations.

The prevailing property market conditions in each geographical area have a significant bearing on the cost of acquiring sites. As the acquisition process is still in progress, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme. However, for working purposes only, an indicative figure of €75 to €100 million is being used by the OPW.

As the Deputy will know the Decentralisation Implementation Group, DIG, in its report of November 2004 announced the names of the Departments and organisations selected as “early movers” and set out a timetable for provision of accommodation. At the same time the group published a report on the procurement and financial aspects of decentralisation. A further report, of June 2005, updates the timetable announced in November 2004, includes a timetable for the balance of organisations comprehended by the decentralisation programme and sets out commencement and completion dates for accommodation ranging from the final quarter of 2005 to end of 2009. I am confident that this programme will be successfully implemented. In relation to the public private partnership approach recommended by the DIG my office has been developing a comprehensive risk-adjusted costing of project elements to measure the value-for-money of future PPP bids.

Although property solutions will include leasing and fitting-out of existing buildings, it is anticipated that, in the majority of cases, the accommodation facilities will be provided by the construction of new office buildings and cost estimation can be approached on that basis. However, in advance of actual market testing of any procurement methodology, it is possible, at this time, only to assign the most general measurements of cost to such a large-scale, diverse and complex programme.

It is estimated that approximately 210,000 sq m of office space will be required to accommodate the total numbers included in the programme. Current OPW cost norms in respect of standard office accommodation would indicate an average build-cost to fit-out standard, in the range of €1,800 per sq m to €2,200 per sq m in suburban and rural locations. Such figures exclude VAT, professional fees, inflation and site works. In addition the cost of equipping the accommodation to standard office equipment levels could be estimated at approximately €4,000 per person. This would exclude the cost of information and communication technology and specialised equipment requirements.

Such general measurements of cost do not include specialised facility and equipment requirements and other variables which would arise from the spread of possible procurement methodologies. In addition general cost indicators of this type show a snapshot in time.

It is self-evident that a firmer scale of costs for the decentralisation programme will only emerge on foot of actual cost proposals being received from the market. It will be some months yet before sufficient data can be extracted from a suitable range of tender competitions to provide
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a basis on which more robust estimates of the overall cost of the programme can be made. Nevertheless it can be estimated that, generally-speaking, the cost of providing accommodation in provincial, compared to central Dublin locations should yield considerable cost savings to the State over time in terms of site costs, capital build costs and indeed maintenance costs.

Tax Code.

189. Mr. Naughten asked the Minister for Finance his views on concession in excises for the production of bioethanol from sugar beet. [33113/05]

Minister for Finance (Mr. Cowen): Section 50 of the Finance Act 2004 provided for the introduction of a limited scheme of relief from excise tax, for biofuels. The purpose of the provision was to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. 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 current scheme includes excise relief on ethanol production up to a limit of 2 million litres. It is up to the project promoter to choose the most appropriate feedstock to produce the ethanol. I am informed by my colleague, the Minister for Communications, Marine and Natural Resources that Maxol, the producer of the 2 million litres of bioethanol under the current scheme, is sourcing the ethanol from the by-products of cow’s milk.

The possible introduction of a wider scheme of excise relief for biofuels, including bioethanol, is under consideration. Sugar beet, as under the current scheme, would be an option for bioethanol producers in any such scheme.

Consultancy Contracts.

190. Mr. Gilmore asked the Taoiseach if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service; if the process used conforms with the Department of Finance guidelines; and if he will make a statement on the matter. [33409/05]

The Taoiseach: The firm concerned has not been engaged by my Department.

191. Mr. Gilmore asked the Taoiseach if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33418/05]

The Taoiseach: The consultancy service concerned has not been engaged by my Department.

192. Mr. Gilmore asked the Taoiseach if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33427/05]

The Taoiseach: No officials from my Department have attended as VIP guests at this conference.

193. Mr. Gilmore asked the Taoiseach his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33436/05]

The Taoiseach: My Department does not subscribe to this programme.

194. Mr. Gilmore asked the Taoiseach the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33445/05]

The Taoiseach: The company in question has not been granted any programme by my Department. However, we do have a research service agreement with the company. The company publishes independent research and provide one to one customer advice, on all aspects of ICT using in excess of 1,000 analysts and consultants who advise executives worldwide. Subscription to this service gives the Department access to a large volume of research information, which is critical in assisting decision making in such a small IT unit.

At the time of our subscription in 2004, there was no other suitable company in a position to provide us with this vast range of independent research material and one-to-one customer advice. I am satisfied that value for money is still being achieved in this case.

Public Service Contracts.

195. Mr. P. McGrath asked the Taoiseach the number of Government awarded contracts from 1995 until 2004, inclusive, that over-ran financi-
ally as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33741/05]

The Taoiseach: No contracts awarded by my Department between 1995 and 2004 over-ran financially as a result of jobs being incorrectly specified.

The practice in my Department is to engage consultants at agreed fixed fees, resulting in fixed price contracts. It sometimes happens, however, that the need arises to perform additional pieces of work, which could not have been anticipated at the outset and which are required for the proper completion of the assignment. This is the reason for any instances where the final cost exceeded the original estimated cost of consultancy projects in my Department. It is my Department’s policy to agree to additional work in such cases only where the additional cost is reasonable and there is a clear justification for same.

Mental Health Services.

196. Ms McManus asked the Tánaiste and Minister for Health and Children if hospitals are entitled to ignore the provisions of the 2001 Mental Health Act with regard to forced treatment, on the grounds that the Act is not yet applicable to them; and if she will make a statement on the matter. [33457/05]

197. Ms McManus asked the Tánaiste and Minister for Health and Children if hospitals are entitled to ignore the provisions of the Mental Health Act 2001 with regard to forced treatment for reasons that the Act is not yet applicable to them; and if she will make a statement on the matter. [33463/05]

206. Mr. Neville asked the Tánaiste and Minister for Health and Children the position regarding the application in full of the Mental Health Act 2001; and if she will make a statement on the delay in introducing all provisions of the Act. [33367/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I propose to take Questions Nos. 196, 197 and 206 together.

The main vehicle for the implementation of the provisions of the Mental Health Act 2001 is the Mental Health Commission which was established in April 2002. No further sections of the Act have been commenced to date.

A priority for the commission and for the Government at present is to put in place the structures required for the operation of the mental health tribunals, as provided for in part 2 of the Act. Mental health tribunals will conduct a review of each decision made by a consultant psychiatrist to detain a person on an involuntary basis or to extend the duration of such detention. The review will be independent, automatic and must be completed within 21 days of the detention or extension order being signed. As part of the review process the mental health tribunal will arrange, on behalf of the detained person, for an independent assessment by a consultant psychiatrist and the commission will also operate a scheme to provide legal aid to patients whose detention is being reviewed by a tribunal. The commission has been in discussion with my Department, the Health Service Executive and other relevant agencies in recent months to ensure that all elements of the organisational and support systems required are in place prior to the commencement of part 2 of the Act. Extensive discussions also took place with the Irish Hospital Consultants’ Association and the Irish Medical Organisation with a view to securing the co-operation of their consultant psychiatrist members with the implementation of part 2. No agreement was reached in these discussions, despite a commitment on the management side to invest significant additional resources in the mental health services.

The Secretary General of my Department has now raised the matter of the continuing refusal of the IHCA and the IMO to co-operate with the implementation of the Mental Health Act 2001, with the health service national joint council. This relates particularly to the participation of their consultant psychiatrist members on mental health tribunals under the legislation. The Secretary General has made it clear that, unless confirmation of their willingness to co-operate with the implementation of the Act is forthcoming, implementation of the next pay increase due under Sustaining Progress, with effect from 1 December 2005, to consultant psychiatrists would not be warranted.

Medicinal Products.

198. Mr. Neville asked the Tánaiste and Minister for Health and Children the reason for the unavailability of a drug (details supplied) to treat B12 deficiency especially in the elderly; and when this drug will become available for dispensing by pharmacists. [33356/05]

Tánaiste and Minister for Health and Children (Ms Harney): The manufacturers of the product referred to by the Deputy have advised my
Department that due to problems in the manufacturing process this particular product is temporarily unavailable both in Ireland and the UK. I have had inquiries made in the matter and I understand that there is an alternative product available in community pharmacies for people who have been prescribed the original product.

MRSA Infection.

199. Mr. J. Breen asked the Tánaiste and Minister for Health and Children further to Question No. 282 of 21 June 2005 when she will meet a delegation representing victims and relatives of the MRSA superbug; and if she will make a statement on the matter. [33357/05]

Tánaiste and Minister for Health and Children (Ms Harney): It is my intention to meet with this delegation shortly. My office will be in contact with the Deputy directly to confirm the specific details for this meeting.

Hospital Services.

200. Mr. Hayes asked the Tánaiste and Minister for Health and Children when a person (details supplied) in South Tipperary will be given a prostate biopsy. [33358/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

Cancer Screening Programme.

201. Ms Harkin asked the Tánaiste and Minister for Health and Children the timeframe for the rollout of BreastCheck for the north west. [33359/05]

Tánaiste and Minister for Health and Children (Ms Harney): The rollout of the national breast screening programme to the remaining regions in the country is a major priority in the development of cancer services. A design team has been appointed to work up detailed plans for two new clinical units, one at the South Infirmary-Victoria Hospital, Cork and one at University College Hospital, Galway. 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, following which construction on both sites can commence.

BreastCheck will shortly begin the recruitment of key consultant radiology and radiographer staffing to ensure that the screening programme is rolled out as early as possible. The exact timelines for the rollout will depend largely on the success of this recruitment. BreastCheck is confident that the target date of 2007 for commencement of the rollout will be met.

Health Services.

202. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if an appeal for an increased subvention rate in the name of a person (details supplied) in County Kilkenny will be approved as the amount granted of €256.56 per week falls far short of the actual cost of €600 per week; if a response will be expedited; and if she will make a statement on the matter. [33363/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Expenditure.

203. Ms Lynch asked the Tánaiste and Minister for Health and Children the funding provided by her Department to the not-for-profit organisations, which deal with persons with disability (details supplied) in the years 2000, 2001, 2003 and 2004; the funding provided for each organisation; and if she will make a statement on the matter. [33364/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

204. Ms Lynch asked the Tánaiste and Minister for Health and Children the funding provided by her Department to an organisation (details supplied) in the years 2002, 2003 and 2004; and if she will make a statement on the matter. [33365/05]
Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

205. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if a nurse will be provided at a school (details supplied) in County Kilkenny; if it is the norm that nurses be provided at special schools; and if she will make a statement on the matter. [33366/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 206 answered with Question No. 196

Medical Cards.

207. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if an application for a medical card will be approved for a person (details supplied) in County Kilkenny; and if a decision on the case will be expedited. [33368/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 208 and 209 together.

The national plan for radiation oncology, which I announced last July, provides for an integrated network of radiation oncology services that will ensure equitable access and outcomes for patients throughout the country. Patients in the north west are currently being referred for radiation oncology treatment to the recently commissioned radiation oncology department at University College Hospital Galway and also to St. Luke’s Hospital Dublin. A new radiation oncology centre is being provided at Beaumont Hospital on Dublin’s north side as part of the national network for radiation oncology services. This centre will also be available for the needs of patients in the north west. The precise patient referral pattern will be a matter for the Health Service Executive and will be factored into the planning of the national network.

In addition, the Government is also considering options to facilitate access for patients in the north west, mainly in Donegal, to radiation oncology services in Belfast. The Government decided in July to pursue this option as well as further work to pursue the joint provision of a satellite centre for the north west linked to Belfast. I have already met with the Minister for Health in Northern Ireland, Mr. Shaun Woodward MP, to discuss this and I will be meeting again with him later this month.

Health Levy.

209. Mr. Blaney asked the Tánaiste and Minister for Health and Children when she intends announcing the location for the new cancer care services in the north west following her announcement in July 2005 that it is intended to base cancer care services in the north west; and if she will make a statement on the matter. [33371/05]

Tánaiste and Minister for Health and Children (Ms Harney): I am informed by the Revenue Commissioners that the full year cost to the Exchequer, based on projected 2006 incomes, of maintaining the current exemption threshold for
the health contribution levy at €20,800 per annum, that is, the annualised value of its current level of €400 per week, is estimated at €137 million in a full year. If the existing threshold was to remain in place and was supplemented by an allowance equal to the first €127, €150 or €175 of weekly earnings, €6,604, €7,800 or €9,100 in annual terms, the additional full year costs are estimated at about €140 million, €165 million or €193 million respectively.

The current position is that once liability arises, the levy is payable at 2% on a person’s entire income, including the portion below the threshold. This has been described as the “step effect” and it can lead to circumstances where an increase in gross pay for a person with an income at the threshold results in a reduction in his/her net take home pay. A €1 increase in annual pay can lead to a net reduction of €8 in net pay per week or about €416 per annum. Where in any tax year, a person’s annual income is below the annual threshold, any amounts paid as a result of them having exceeded the weekly threshold may be reclaimed. To abolish the step effect entirely would be liable to the 2% levy.

Since 1999, the value of the levy threshold has increased significantly by over 45%.

Hospital Services.

211. Dr. Upton asked the Tánaiste and Minister for Health and Children the position regarding the interim cardiac plan for Our Lady’s Hospital, Crumlin; if her attention has been drawn to the fact that this question was submitted to her Department in May 2005 and the Health Service Executive has not responded to same; and if she will make a statement on the matter. [33516/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

213. Mr. O’Shea asked the Tánaiste and Minister for Health and Children if the filling of the area medical officer post will be authorised for the Waterford community care area; and if she will make a statement on the matter. [33552/05]

Minister of State at the Department of Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

214. Mr. Perry asked the Tánaiste and Minister
for Health and Children the steps she will take to have a person (details supplied) in County Leitrim called for an appointment; and if she will make a statement on the matter. [33555/05]

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.

Consultancy Contracts.

215. Mr. P. McGrath asked the Tánaiste and Minister for Health and Children the number of Government awarded contracts from 1995 until 2004 inclusive that over ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if she will make a statement on the matter. [33742/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested is being collated in my Department and will be forwarded directly to the Deputy as soon as possible.

Tax Code.

216. Mr. Wall asked the Minister for Finance the reason vehicle registration tax offices demand payment by bank draft which leads to many problems for applicants (details supplied); the reason a certified cheque is not acceptable; and if he will make a statement on the matter. [33462/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that cheques in payment of vehicle registration tax are only accepted from persons authorised under section 136 of the Finance Act 1992, that is, authorised dealers, distributors etc. in the motor trade. Persons not so authorised are required to pay VRT by way of bank draft, money order, cash or laser debit card, subject to a transaction limit of €1,500. These arrangements, which have been in place since the commencement of the tax in 1992, are designed to ensure that payment is fully secured prior to registration. However, Revenue is currently reviewing its operational instructions in this area and is re-examining the question of payment methods and whether cheques from persons not authorised under section 136 of the 1992 Act can be accepted. I understand that a decision by the Revenue Commissioners on this matter is imminent.

Freedom of Information.

217. Mr. Sargent asked the Minister for Finance his views on extending the Freedom of Information Act on a partial basis to the Garda Síochána in a manner comparable with its partial application to the Labour Court and the Office of the Data Protection Commissioner (details supplied); and if he will make a statement on the matter. [33616/05]

220. Mr. Sargent asked the Minister for Finance his views on extending the Freedom of Information Act on a partial basis to the Garda Síochána in a manner comparable with its partial application to the Labour Court and the Office of the Data Protection Commissioner in order to make it obligatory that the Garda Síochána and its subsidiaries, including the Garda National Immigration Bureau, would be obliged to produce FOI sections 15 and 16 reference manuals; and if he will make a statement on the matter. [33387/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 217 and 220 together.

I have no proposals to apply the Freedom of Information Acts to the Garda Síochána at this time, either on a full or on a partial basis.

Question No. 218 answered with Question No. 139.

Budget Submissions.

219. Caoimhghín Ó Caoláin asked the Minister for Finance if he has received the pre-budget 2006 submission of the National Women’s Council of Ireland; and if he will make a statement on the matter. [33542/05]

Minister for Finance (Mr. Cowen): I have received a pre-budget submission from the organisation concerned and 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 budget decisions.

Question No. 220 answered with Question No. 217.

Tax Collection.

221. Mr. Timmins asked the Minister for Finance the position with regard to persons, details supplied, who submitted tax returns for all years under the self-assessment from 6 April 1988 to 21 December 2003; and if he will make a statement on the matter. [33388/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that
they received tax returns for the years 1988-89 to 2003 from the taxpayer and that assessments were issued for all years in accordance with those returns. A claim has also been received to amend the years 1998-99 to 2000-01 so that the farming income would be apportioned between the taxpayer and his wife in accordance with their ownership of lands.

In accordance with the new time limits introduced in Finance Act 2003, it is only possible to amend years back to 2000-01 even where satisfactory evidence that a partnership between taxpayer and his wife is furnished and which has not yet happened in this case. The taxpayer's agent has stated that in the circumstances, it is not worthwhile amending the assessments for the years 2000-01 onwards as it would be of no advantage to his client.

Public Service Contracts.

222. Mr. P. McGrath asked the Minister for Finance the number of Government awarded contracts from 1995 until 2004, inclusive, that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33389/05]

Minister for Finance (Mr. Cowen): I take it that the Deputy's interest is in contracts of a significant size, say €100,000 or more, awarded by my Department in the relevant period. He will appreciate that in the time available for answering his question, it has not been possible to examine all such contracts for the period 1995 to 2004 to identify which, if any, over-ran financially as a result of jobs being incorrectly specified and the consequences of any such over-run. However, my Department will compile that information and it will be forwarded to the Deputy as soon as it is available.

Consultancy Contracts.

223. Mr. Gilmore asked the Minister for Finance if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service, details supplied; if the process used conforms with the Department of Finance guidelines. [33410/05]

224. Mr. Gilmore asked the Minister for Finance if value for money has been achieved by his Department in its purchase of a consultancy service, details supplied; and if he will make a statement on the matter. [33419/05]

225. Mr. Gilmore asked the Minister for Finance if any of his officials have attended as VIP guests at a conference organised by a company, details supplied; the locations, dates and costs involved; and if he will make a statement on the matter. [33428/05]

226. Mr. Gilmore asked the Minister for Finance his knowledge of a consultancy service, details supplied; the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33437/05]

227. Mr. Gilmore asked the Minister for Finance the number of competing companies that were considered in his Department's assessment before a company, details supplied, was granted a programme; and if he will make a statement on the matter. [33446/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 223 to 227, inclusive, together.

My Department is aware of the programme in question. No official of my Department is a member of this programme nor have any officials of my Department attended the conference in question as VIP guests. Consequently, the other questions raised by the Deputy do not arise.

Because of its central advisory role and research remit, my Department subscribed to selected aspects of an Internet-based information service from the company in question in recent years. This service provided research information and papers on technology trends, market directions and predictions on future developments of technology and associated systems developments. This service cost was in the order of €5,000 to €8,000 per annum. My Department no longer subscribes to this service as much of the information required is now available — albeit in a more diffuse form — from alternative sources on the Internet.

Tax Code.

228. Mr. Wall asked the Minister for Finance if the tax affairs of a person, details supplied, are up-to-date; if a tax rebate is owed to this person; and if he will make a statement on the matter. [33454/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that PAYE balancing statements for the years 2003 and 2004 will issue shortly, together with cheques in settlement for refunds arising. The income tax affairs of the taxpayer are now up-to-date, based on all information available to the Revenue Commissioners at this time.
Economic Competitiveness.

229. Mr. Durkan asked the Minister for Finance if he is satisfied that Government economic policy is sufficiently focused to meet all eventualities with particular reference to lower wage economies; and if he will make a statement on the matter. [33529/05]

Minister for Finance (Mr. Cowen): In an increasingly integrated global economy, greater competition from low wage economies is inevitable. In these circumstances, we must remain focused on restoring and enhancing national competitiveness in order to maintain employment and to continue to attract inward foreign direct investment.

Developments in domestic prices and wages are a key component of competitiveness. Government policies are focused on this. On an EU harmonised basis, inflation is projected to average 2.2% this year, broadly in line with the euro area average. My decision not to increase indirect taxes in the budget has played a part in this. In addition, sensible incomes policies and a greater role for competition in the economy are also critical to enhancing competitiveness. The consensus approach to wage determination, therefore, has a crucial role to play in ensuring that wage developments evolve in a manner that is supportive of our competitive position. It is also important to maintain spending growth in line with revenue growth, thus keeping the burden of taxation low in order to maximise our economic growth potential.

However, as a high income economy, Ireland cannot compete with low wage economies on the basis of wages alone. We must be cognisant of other factors which enhance our attractiveness as a business location, such as the skills of the labour force, the quality of our infrastructure and the stability of the business environment. Going forward, we must seek to continue moving up the value-added chain, attracting investment increasingly from sectors such as information technology, business services and pharmaceuticals, where the skills of the available workforce, the quality of the business environment and the available infrastructure are critical. It is for this reason that the Government remains committed to maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit. Investment in education is also critical in order to provide the Irish workforce with the skills to successfully compete in the future.

Fiscal Policy.

230. Mr. Durkan asked the Minister for Finance if personal borrowing or other forms of debt are in keeping with best practice; and if he will make a statement on the matter. [33530/05]

Minister for Finance (Mr. Cowen): The role of Government with regard to credit growth and associated indebtedness has a number of distinct dimensions. First of all, it is important to note that, as far as overall economic and financial stability is concerned, the relevant measure of credit encompasses both public and private sector credit and debt levels. The Minister for Finance has a key role in this regard in ensuring prudent management of the budget and overall sustainability in the public finances. In this context, Ireland’s fiscal performance is among the best in the developed world with government indebtedness the second lowest in the euro area. Responsible budgetary policy has made a significant contribution to economic performance overall, to the maintenance of low unemployment and to the achievement of record employment levels.

Similarly, the growth of private sector credit and indebtedness needs to be assessed in an appropriate context. In evaluating the financial position of the private sector, it is too narrow an approach to consider the level of indebtedness in isolation from the asset side of the private sector’s balance sheet. A high proportion of household indebtedness in Ireland relates to borrowing for house purchase which, in turn, creates an asset for the households. In the same way, borrowing by the business sector underpins high investment levels and the creation of business assets yielding future income.

Account must also be taken of private sector savings levels. As the Deputy will be aware, the Government has been actively promoting saving by individuals in the recent past, notably through the SSIA scheme. Comparatively high household savings rates by international standards in Ireland support the sustainability of household debt overall.

As far as looking after the interests of the individual borrower and the individual investor is concerned, the function of Government is to provide an appropriate legislative framework for regulation of the financial services sector — one that is both comprehensive and robust. I am satisfied that, on foot of the progress made over recent years, especially in establishing the financial regulator with a particular focus on the interests of the consumer, we have such a framework in place.

Within the implementation of the overall legislative framework, private sector credit growth and debt levels are, in the first instance, a matter for the Central Bank and Financial Services Authority of Ireland. This follows from its role as part of the European System of Central Banks and its functions, as the financial regulator, with regard to the prudential supervision of financial
[Mr. Cowen.]

institutions and the protection of the consumers of those firms.

The financial regulator has already drawn attention to the need for consumers to choose the right type of loan for their needs. The financial regulator, with its statutory consumer mandate, has developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products. These initiatives have been developed through the framework of the financial regulator’s “it’s your money” campaign and have involved publishing consumer guides on credit products, fact sheets, cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances.

The Central Bank’s recently published financial stability report concludes that a range of fundamental factors such as growing employment and incomes, falling inflation and low interest rates have supported the pattern of mortgage growth and associated debt levels in the economy. The report does, however, emphasise the importance of responsible behaviour by both borrowers and lenders to factor into their financial decision making the prospective impact of potential changes in the future economic environment.

I share the Central Bank’s assessment of the importance of maintaining financial and economic stability. In that regard, for my part, I intend maintaining a responsible approach to maintaining stability in our public finances, which will ensure that the strategic direction of our economy will focus on sustainable real improvements in public services, social provision and infrastructure.

231. Mr. Durkan asked the Minister for Finance the full extent of the national debt at present; and if he will make a statement on the matter. [33531/05]

Minister for Finance (Mr. Cowen): I am informed by the National Treasury Management Agency that the national debt at end-September 2005 amounted to €38,844 million.

Disabled Drivers.

232. Mr. Durkan asked the Minister for Finance the progress to date in 2005 with regard to implementation of the recommendations of the interdepartmental group which has reviewed the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994; and if he will make a statement on the matter. [33532/05]

Minister for Finance (Mr. Cowen): As the Deputy is aware, a special interdepartmental review group reviewed the operation of the disabled drivers scheme. The terms of reference of the group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it — both on an administrative and user level — and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The group’s report, published on my Department’s website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals process and options for the future development of the scheme.

Following on from the report’s immediate recommendations concerning the appeals process, amendments to the regulations governing the scheme were made firstly by my predecessor, and subsequently, by myself, in April and again in September, to improve the operation of the appeals process. These amendments included providing for an expansion from three to 15 of the number of medical practitioners serving on the medical board of appeal — this is expected to substantially reduce the waiting time for appellants.

In respect of the long-term recommendations, I should say that, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process, having regard to the existing and prospective cost of the scheme. As the Deputy is aware, it is a long-standing practice of the Minister for Finance not to comment in advance of the budget on possible budget decisions.

Decentralisation Programme.

233. Mr. Durkan asked the Minister for Finance the number of civil or public servants who have agreed to relocate under the Government’s programme of decentralisation; the costs involved; and if he will make a statement on the matter. [33533/05]

Minister for Finance (Mr. Cowen): To date, over 10,500 applications have been received on the central applications facility, CAF. New applications continue to be received each week. Since the closing of the priority application period on
7 September 2004, an average of over 20 new applications have been received each week over the past 14 months. The CAF remains open and continues to accept applications.

When details of the Government’s decentralisation programme were first announced in budget 2004, it was stated that the overall objective would be to ensure that property being acquired at a regional level be matched as closely as possible, both in time and in cost terms, by the disposal of property currently held in the Dublin region, whether held on lease or otherwise. In November 2004, the implementation group submitted a report on the procurement methodology and financial assessment of the property aspects of the programme, including a financial model, based on a property finance study carried out by the Office of Public Works. While the prevailing property market conditions in each area will have a bearing on cost, this model indicates that the break even position with regard to property will be reached in 2026.

The total amount committed in principle to date by the Office of Public Works on site acquisition costs, excluding VAT, is approximately €35.7 million. Expenditure to date this year is €9.9 million. The programme is being implemented on a voluntary basis. There are no redundancies and, as on previous occasions, the payment of removal or relocation expenses will not arise.

With regard to other non-property aspects of the programme, a report was prepared by Deloittes at the request of the implementation group. This report provided a model for identifying non-property costs and savings that might arise both during the relocation phase and in the context of a post-decentralised civil service. Decentralising organisations have now been asked to use this model to make periodic reports identifying costs incurred and savings made since the programme was announced and going forward.

**Price Inflation.**

234. Mr. Durkan asked the Minister for Finance if he has undertaken further studies with a view to tackling unseen inflation arising from goods or services excluded from the consumer price index; and if he will make a statement on the matter. [33534/05]

Minister for Finance (Mr. Cowen): As I have outlined before, the director general of the Central Statistics Office has sole responsibility for and is independent in deciding the statistical methodology and professional standards to be used in compiling the consumer price index, CPI. The CPI measures, in index form, monthly changes in the cost of purchasing a representative basket of consumer goods and services. My Department is forecasting that CPI inflation will average 2.4% this year. On an EU harmonised basis, inflation is projected to average 2.2% this year, broadly in line with the euro area average.

**Tax Code.**

235. Mr. Durkan asked the Minister for Finance if he will improve and expand tax and excise conditions for biofuel producers; and if he will make a statement on the matter. [33535/05]

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 do acknowledge that tax can play a role in the promotion of biofuels and in this regard, the Deputy is aware that there is the current duty exemption scheme for pilot projects in the biofuels area. 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. As the Deputy is aware, it is a longstanding practice of the Minister for Finance not to comment in advance of the budget on possible budget decisions.

**Financial Services Regulation.**

236. Mr. Durkan asked the Minister for Finance if adequate protection is in place to prevent money laundering through the banking or financial services system; and if he will make a statement on the matter. [33536/05]

Minister for Finance (Mr. Cowen): Irish legislation on money laundering is set out in the Criminal Justice Act 1994, as amended. Primary responsibility for legislation in the area of money laundering rests with the Minister for Justice, Equality and Law Reform. Enforcement of the legislation is primarily a matter for the Garda Síochána.

In regard to regulation of the financial sector, the role of the Minister for Finance is to bring forward legislative proposals under which the Financial Regulator can adequately supervise and regulate financial service firms, including compliance with their obligations under the anti-money laundering provisions of the Criminal Justice Act 1994.

The financial regulator requires all institutions which it supervises to comply with the anti-money laundering legislation and relevant sectoral guidance notes and to have in place the necessary procedures and controls to ensure such compliance. The adequacy of such systems is reviewed by the financial regulator in the course of its ongoing supervision of institutions and requirements for improvement advised to institutions as necessary.
The financial regulator is independent of me in the exercise of its powers.

Furthermore, in accordance with its legal obligation under section 57(2) of the Criminal Justice Act 1994, the financial regulator is obliged to make reports to the Garda Síochána and the Revenue Commissioners where, in the course of its supervision, it suspects that an institution has breached the relevant money laundering provisions of the Criminal Justice Act 1994.

The Depute will also be aware that a third money laundering directive has recently been adopted within the EU. This directive and other international anti-money laundering instruments are being examined to assess what legislative requirements arise to give effect to them in Ireland.

Tax Yield.

237. Mr. Durkan asked the Minister for Finance the amount accruing to the Exchequer in the past 12 months from taxation through the construction industry; and if he will make a statement on the matter. [33537/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that as the information furnished on tax returns does not generally require the yield from a particular sector or sub-sector of economic activity to be identified, the precise figures of net yield of tax revenues collected in respect of the activities specified in the question cannot be readily identified.

Information can, however, be provided as to the estimated gross amounts of certain taxes paid, that is, before allowing for repayments, by taxpayers in the construction industry. The gross yield of these taxes from the construction industry is estimated to be €3,253 million in 2004, the latest year for which the relevant figures are available.

The taxes in question include internal VAT, excluding VAT on imports; PAYE combined with PRSI from employees and employers; and corporation tax and income tax, non-PAYE. Income tax, non-PAYE, includes direct tax payments received from self-assessed taxpayers and estimated relevant contracts tax attributable to the construction industry but excludes certain “deduction” taxes such as deposit interest retention tax, withholding tax on professional fees and dividend withholding tax, as well as yields from audit and other back duty settlements.

The sector identifier used on the tax records is based on the four digit NACE code Rev. 1, which is an internationally recognised economic activity code system. The NACE codes are not essential for the assessment and collection of taxes and duties and the correct allocation and maintenance of these codes is subject to the limit of available resources. While the accuracy of the NACE codes on tax records is sufficient to underpin broad sector-based analyses, there will undoubtedly be some inaccuracies at individual level. This should be borne in mind when considering the information provided.

The figure provided for the estimated gross yield from the construction industry does not include the yield from activities and businesses in other economic sectors, particularly in the professional services sector, which are related either in whole or in part to the construction sector. An example of these would be architecture, engineering and real estate activities. This factor would have a particularly strong effect on the perceived sector distribution of VAT. VAT is levied on taxable activities, that is, provision of goods and services, and, accordingly, the yield from a variable activity such as construction, can be spread over more than one NACE code grouping.

238. Mr. Durkan asked the Minister for Finance the amount of tax accruing to the Exchequer from the sale of a new house costing €400,000; and if he will make a statement on the matter. [33538/05]

Minister for Finance (Mr. Cowen): The sale of a new house will give rise to taxes on the purchaser and seller of the house. The purchaser of a new house may be liable to pay stamp duty and VAT, while the seller of such a house may be liable to income tax, corporation tax or capital gains tax. The status of the purchaser and the seller need to be taken into consideration in computing these taxes, in addition to the type and value of the house.

Where stamp duty is incurred it is normally paid by the purchaser. Purchasers who are owner-occupiers are exempt from stamp duty on new houses where the floor area of the house does not exceed 125 sq m and a floor area compliance certificate has been issued by the Department of Environment, Heritage and Local Government. Where the floor area of the house exceeds 125 sq m., stamp duty is charged on purchasers who are owner-occupiers on the site value or 25% of the property value — exclusive of VAT — whichever is the greater, at the rates applicable to second-hand residential property. For investors buying a new house, stamp duty is charged at the rates applicable to second-hand residential property on the full value of the property — exclusive of VAT — regardless of the floor area of the house concerned.

In this respect, a new house valued at €400,000, is exempt from stamp duty for a purchaser who is an owner-occupier. For a new house with a floor area in excess of 125 sq m this is based on the assumption that 25% of the value of the whole property is greater than the site value.
Should the site value be greater, the stamp duty treatment may differ and some charge could arise. In the case of an investor purchasing such a house, a stamp duty charge of €21,145 will be incurred. The rate of VAT applicable on the sale of a new house is 13.5%, so the VAT inclusive price of a house sold for €400,000 will include VAT of €47,577. This amount is reduced by the sum the builder or developer is entitled to claim credit in respect of input VAT suffered on material costs etc. The amount of this claim will vary from property to property.

Indirectly, any trading profit from the sale of the house will be liable to either income tax or corporation tax, depending on whether the builder-developer is a sole trader or a company.

Harbours and Piers.

239. Mr. Neville asked the Minister for Communications, Marine and Natural Resources his response to the request from Limerick County Council for grant assistance to introduce necessary safety measures at Kilteery Pier, Loughill, County Limerick which the council plans to have introduced by the end of 2005. [33392/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The harbour at Kilteery is owned by Limerick County Council and responsibility for its maintenance and development is a matter for the local authority in the first instance. A proposal has been received from Limerick County Council seeking funding for the installation of bollards at Kilteery Pier for safety reasons, costing approximately €26,000. This proposal is under consideration at present and it is hoped to have a decision on it shortly.

Environmental Policy.

240. Ms Harkin asked the Minister for Communications, Marine and Natural Resources if there are strategic environmental assessment reports for the offshore waters off Ireland and in particular the Corrib and Kinsale gas fields. [33393/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The legislation on strategic environmental assessments, SEAs, has only recently come into force. The Kinsale Head gas field started production in 1978 and pre-dates the legislation. The Corrib field also pre-dates the legislation but was obliged, as part of its plan of development, to be subjected to an environmental impact study, EIS.

My Department intends to carry out an SEA in respect of the Slyne-Erris-Donegal licensing round which closes in March 2006.

Consultancy Contracts.

241. Mr. Gilmore asked the Minister for Communications, Marine and Natural Resources if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33411/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The initial cost of the subscription to the executive programme provided by the company to which the Deputy refers was €13,225 in 2003. The cost of the subscription rose to €31,439 in 2004 and €34,989 in 2005. My Department did not go out to tender, given the specialised nature of the subscription service and the absence of similar suitable alternatives. The Department’s internal audit unit has been requested to review the current arrangements for subscribing to the service as well as the value for money dimension of the service.

242. Mr. Gilmore asked the Minister for Communications, Marine and Natural Resources if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33420/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department advises that the service provided by this company represents value for money. The service to which the Department subscribes falls into two categories, regular briefing material on current and future trends in the ICT industry and direct access on demand to research analysts who specialise in particular ICT industry segments. Both services are being used frequently and have provided quality data and analysis to the Department’s information systems division in the context of developing and driving strategic approaches to ICT across its diverse business areas.

243. Mr. Gilmore asked the Minister for Communications, Marine and Natural Resources if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33429/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have been advised that none of my officials has attended conferences organised by the company referred to, as VIP guests. One official has attended two such conferences in the past 18
months. The conference registration fee was included as part of the company’s executive programme to which my Department subscribes. All other travel costs and expenses for the official concerned were paid by my Department.

244. Mr. Gilmore asked the Minister for Communications, Marine and Natural Resources his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33438/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department subscribes annually to the service provided by the company to which the Deputy refers in terms of analysis and research information on ICT strategic business and technology trends and best practice.

The executive programme is available to all members of staff in the information systems division. Currently there are 25 officials who have direct access to the programme, together with senior management and other officials of the Department as required.

I am advised that the subscription represents value for money as a quality and topical source of advice on strategic trends and analysis in global business and technology. The subscription will continue to be kept under review to ensure that it represents ongoing value for money and organisational benefit for the Department’s information systems division and senior management.

245. Mr. Gilmore asked the Minister for Communications, Marine and Natural Resources the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33447/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The company to which the Deputy refers was the only company considered for such a subscription by the Department due to pre-eminence in its specific field of expertise, as well as localised presence in Ireland.

Communications Masts.

246. Mr. Sargent asked the Minister for Communications, Marine and Natural Resources further to Question No. 329 of 2 November 2005 if any payment was sought or obtained from France for the transfer of ownership of the Loran C mast in April 2005; if the figure of €27,829 for storage costs in 2005 covers only the time prior to this transfer and his plans for the 137 acres at Loop Head. [33467/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): No payment was sought or obtained from France for the transfer of ownership of the Loran C mast, as France and The Netherlands had originally purchased the mast and equipment. In accordance with the North West European Loran C System, NELS, international agreement, France agreed to contribute 50% of the capital expenditure for the new station in Ireland. The Netherlands agreed to 5%, and Ireland the remaining 45%. It was also agreed that the funding provided by France and The Netherlands, 55%, should be used to purchase the mast and transmitter, and Ireland’s 45% would fund the purchase of the land and the civil engineering work.

As the mast was never erected, Ireland accepted that moneys were owed to France and The Netherlands in respect of the mast and equipment purchased jointly by them. Following discussions, France agreed to accept the equipment in its current state and that Ireland would have no further liability in this regard. The Netherlands agreed to the transfer of the mast and equipment to France without any further formalities.

The figure of €27,829 paid in 2005 covers storage charges arrears owed for the period from June 2003 to November 2003, and for storage for the period from 4 February 2005 to 4 May 2005. The NELS agreement will not legally cease until 31 December 2005. This will be followed by a six month winding-up period. The future of the Loop Head site will then be considered.

Fisheries Protection.

247. Mr. Eamon Ryan asked the Minister for Communications, Marine and Natural Resources when he will respond to the EU Commission formal notice that the system of managing drift net catches for salmon may be in breach of the European Union habitats directive; and if he will make a statement on the matter. [33519/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department of the Environment, Heritage and Local Government has primary responsibility for the implementation in Ireland of Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna. As the complaint concerns drift net fishing in Irish waters, the Department of Communications, Marine and Natural Resources is continuing to work very closely with the Department of the Environment, Heritage and Local Government on the drafting of a reply to the European
Commission’s preliminary complaint against Ireland. The reply is required to be submitted to the European Commission by 13 November 2005.

Consultancy Contracts.

248. Mr. P. McGrath asked the Minister for Communications, Marine and Natural Resources the number of Government awarded contracts from 1995 until 2004 inclusive that over ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33421/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In the time available, it has not been possible to identify and assemble the information requested. My Department is compiling the data sought by the Deputy in this regard and I shall forward it to him as soon as possible.

Northern Ireland Issues.

249. Mr. Allen asked the Minister for Foreign Affairs the role that was played by the Irish Embassy in South Africa concerning a recent visit by Mr. Gerry Adams, MP, to that country; if meetings were arranged or facilitated concerning such a visit; and if he will make a statement on the matter. [33396/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware that Mr. Gerry Adams visited South Africa from 18-21 October last at the invitation of the South African Government. The embassy played no substantive role in organising the programme for the visit. Its involvement was limited to a lunch at the residence of the Irish Ambassador on 18 October. Guests at the lunch included members of the Irish community, NGO representatives and South African officials.

Consultancy Contracts.

250. Mr. Gilmore asked the Minister for Foreign Affairs if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33412/05]

251. Mr. Gilmore asked the Minister for Foreign Affairs if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33421/05]

252. Mr. Gilmore asked the Minister for Foreign Affairs if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33430/05]

253. Mr. Gilmore asked the Minister for Foreign Affairs his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33439/05]

254. Mr. Gilmore asked the Minister for Foreign Affairs the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33448/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 250 to 254, inclusive, together.

The Department of Foreign Affairs does not participate in the Gartner executive programme and, accordingly, the issues of internal audit scrutiny, value for money, membership and numbers of companies competing for this service do not apply. I can confirm that no officials of this Department have attended as VIP guests at the Gartner Expo conference.

The Department of Foreign Affairs has, since 2002, subscribed to Gartner’s more basic service, that is, access to the on-line technology research database. The subscription to this specific research service from Gartner was made as the Department was not aware of any other company offering an equivalent information service at that time.

255. Mr. P. McGrath asked the Minister for Foreign Affairs the number of Government awarded contracts from 1995 until 2004 inclusive that overran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33744/05]

Minister for Foreign Affairs (Mr. D. Ahern): In the time available it is not possible to review the detailed specifications of every contract entered into by the Department since 1995. To the best of my knowledge, no contract has overrun financially for the reason specified by the Deputy.

I should explain to the Deputy that for the period 2000 to 2004 alone, the Department entered into contractual arrangements with approximately 500 individuals and organisations. Some 85% of these contracts were entered into by Development Co-operation Ireland and concern contracts mainly for the monitoring, review and evaluation of development programmes and
projects in a wide range of sectors, including HIV-AIDS, education, health and rural development.

256. Mr. P. McGrath asked the Minister for Arts, Sport and Tourism the number of Government awarded contracts from 1995 until 2004 inclusive that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33745/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): There were no contracts that over-ran financially as a result of jobs being incorrectly specified since the establishment of my Department in June 2002.

Health and Safety Regulations.

257. Mr. Bruton asked the Minister for Enterprise, Trade and Employment the rules relating to exposure to visual display units for workers which prevail in Ireland; if these differ from the standards generally applying in the EU; and the plans he has to revise those standards or to harmonise standards across the EU. [33935/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The protection of workers in the use of visual display units is covered by Part VII, Regulations 29 to 32 and the Tenth and Eleventh Schedules to the Safety, Health and Welfare at Work (General Application) Regulations 1993, S.I No. 44 of 1993, relating to display screen equipment.

Those provisions transpose into Irish law Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment. Thus, the standards that apply in Ireland relating to work with visual display units are the same as those throughout the EU. There are no plans to revise the regulations in so far as VDUs are concerned.

Under the Safety, Health and Welfare at Work Act 2005, the Health and Safety Authority is the State body charged with overall responsibility for administration, enforcement and promotion of workplace safety and health.

Consultancy Contracts.

260. Mr. P. McGrath asked the Minister for Enterprise, Trade and Employment the number of Government awarded contracts from 1995 until 2004 inclusive that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33746/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I recently provided information on the progress of my inquiries in this matter in response to a question from Deputy Howlin. I indicated that, given the importance of the issues raised, it is vital that due process be observed in dealing with these matters. I am currently considering materials and responses submitted by the individual concerned and the matter is ongoing.

Economic Competitiveness.

259. Mr. Morgan asked the Minister for Enterprise, Trade and Employment his views on concerns regarding lack of competition in the newspaper market here; the percentage of the local and national newspapers owned by each newspaper group operating here; and if he will make a statement on the matter. [33544/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): While I do not have precise market share details for all newspapers in the market, I am aware that the Independent Group continues to hold a leading position in the national newspaper market. There is vibrant competition, particularly in the Sunday newspaper market, which, despite the strength of the Independent Group titles, continues to be a highly contested market.

I also welcome the fact that, in general, the market appears to have become more competitive in recent years through the strength of UK titles circulated in the State and, indeed, the fact that many local newspapers now have the financial backing of significant international players such as Johnston Press plc.

Departmental Staff.

258. Ms O’Sullivan asked the Minister for Enterprise, Trade and Employment the progress to date in 2005 of his inquiries regarding the PhD claimed by a person (details supplied); the information and comments provided to him by the person in this regard; and if he will make a statement on the matter. [33400/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I recently provided information on the progress of my inquiries in this matter in response to a question from Deputy Howlin. I indicated that, given the importance of the issues raised, it is vital that due process be observed in dealing with these matters. I am currently considering materials and responses submitted by the individual concerned and the matter is ongoing.
Brennan): I propose to answer Questions Nos. 261 to 263, inclusive, together.

The supplementary welfare allowance scheme is administered on my behalf of the Department by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in decisions on individual claims.

With the exception of those participating in my Department’s back to education allowance scheme, people in full-time education are excluded under social welfare legislation from receipt of rent supplement or other payments under the supplementary welfare allowance scheme. They are also precluded from receipt of unemployment assistance in this situation.

The back to education allowance and related VTOS schemes are special second chance educational opportunities designed to encourage and facilitate certain groups, particularly people who have been unemployed for a substantial period of time and are having difficulty getting a job, to improve their skills and qualifications and, therefore, their prospects of gaining employment.

To qualify for participation in the back to education scheme, an applicant must be in receipt of a relevant social welfare payment for a period of at least 12 months immediately prior to commencing an approved course of study. In addition to the allowance payable, eligible people are also entitled to retain any secondary benefits such as rent supplement which had been in payment to them prior to commencing their educational course.

This scheme is not appropriate to the generality of students who complete their second level education and continue to third level studies in the normal way. The relevant state support mechanism in such cases is the annual third level maintenance grants scheme, to assist people from lower income households towards their living costs while undertaking college courses.

None of the three people concerned satisfy the eligibility criteria for participation in the back to education allowance scheme as they have not been in receipt of a qualifying relevant social welfare payment for a period of at least 12 months.

The Dublin/mid-Leinster area of the Health Service Executive has advised that while it would wish to be as supportive as possible of the people referred to in the question, in considering each of their applications for supplementary welfare allowance and rent supplement, it has determined that they are not eligible for assistance on the basis that they are full-time students and they are not participating in my Department’s back to education allowance scheme.

One of the people concerned has withdrawn from her education course recently and her supplementary welfare allowance entitlements have been restored to her accordingly. The executive has further advised that each of the people concerned has referred his or her case for adjudication by the area appeals office.

In the meantime, the executive will also review the cases in question to consider whether rent supplement may be paid in these cases as an exceptional measure given the particular circumstances in which these individuals are seeking to improve their situation. Decisions on these individual appeals and the outcome of the local case reviews are expected shortly and the people concerned will be notified of the outcome.
264. Mr. Hayes asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Tipperary was refused a heating allowance. [33369/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered on behalf of the Department by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in relation to decisions on individual claims.

Under the terms of the supplementary welfare allowance scheme, a recipient of a social welfare or Health Services Executive payment who has exceptional heating costs due to ill health or infirmity can apply to their local community welfare officer for a special heating supplement.

The south eastern area of the executive has advised that the person concerned had previously been in receipt of a heating supplement. In the course of a review it came to the attention of the executive that the person’s means and circumstances had changed. The executive contacted the person concerned in order to determine his current means and personal circumstances.

He subsequently indicated to the executive at the beginning of November that he no longer wished to be paid a heating supplement. In the light of this question, the executive has contacted the person concerned again this week to clarify his current situation.

Departmental Staff.

265. Mr. Wall asked the Minister for Social and Family Affairs the number of staff employed by his Department in each of the social welfare local and district offices in County Kildare; if this number is compatible with Department specifications for each office; and if he will make a statement on the matter. [33408/05]

Minister for Social and Family Affairs (Mr. Brennan): The Department have allocated 37 posts for four different locations in County Kildare. A total of 26 posts are currently filled in Newbridge local office, with a further six posts in the Department’s investigative office in Newbridge, two posts in the Department’s investigative office in Athy and two posts in the investigative office in Naas.

There is currently one vacancy in the Department’s Newbridge local office. As with other offices in the Department, the staffing allocation for the County Kildare offices is reviewed regularly. A review of the staffing allocation for the Newbridge local office is currently under way.

In addition to the above offices, the Department has a branch office in Athy, County Kildare, operated and managed by a branch manager. Branch managers are employed under a contract for services and are not employees of the Department. The contract under which each branch manager operates stipulates that she or he is required to provide the services of a competent deputy whenever she or he is absent for any reason and sufficient clerical assistance in order to allow for the efficient performance of the work of the office.

Consultancy Contracts.

266. Mr. Gilmore asked the Minister for Social and Family Affairs if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33413/05]

267. Mr. Gilmore asked the Minister for Social and Family Affairs if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33422/05]

268. Mr. Gilmore asked the Minister for Social and Family Affairs if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33431/05]

269. Mr. Gilmore asked the Minister for Social and Family Affairs his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33440/05]

270. Mr. Gilmore asked the Minister for Social and Family Affairs the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33449/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 266 to 270, inclusive, together.

The company in question is a worldwide supplier of information and communications technology, ICT, industry research to suppliers and users of ICT. It has a number of services based around its continuous research programme. In addition to the provision of standard research papers and provision of access to the authors and analysts, it offers an executive programme aimed at senior ICT managers.
The executive programme provides additional research reports, which are not otherwise available, on deploying technology for business growth. It also provides access to additional online resources. The programme is supported by dedicated local and worldwide staff who actively liaise and follow up on specific issues. They also facilitate a number of local events for their membership, comprising public and private sector chief information officers, at which best practice and experiences are shared. Members are entitled to VIP status at company events. Essentially, this means they have preferential access to the industry analysts at the events and they receive tickets as part of their subscription.

Although there have been a number of companies offering research and advisory services, the company in question has a worldwide reputation as the leading independent advisor in the industry. It offers a particular combination of research covering current and future technology in general, suppliers and their strategies and also reports on how ICT has been deployed in various industry sectors, including the public sector, worldwide. It supplements this research with a programme of direct support to senior ICT management which provides strong quality assurance for overall ICT strategy as well as advice on specific projects and technologies. It also includes making analysts available to senior business management as required. In addition to the industry monitoring and quality assurance aspect of the service, my Department considers that the programme offers strong support for personal development at a senior level. My Department had previously participated in other research programmes but, due to resource constraints, these have been discontinued. It also avails of ICT-related advice from various other sources but not on a membership basis.

When the specific programme was designed in late 2000, my Department provided a business case to the Government contracts committee seeking sanction to join. The advice received was that the executive programme was a membership or subscription service and not subject to the normal contract procurement regulations. The membership service has not been the subject of an internal audit review. The director of my Department’s IS division is a member of the programme along with one of the principal officers within the division, who is nominated as a back-up.

Apart from the facilitation of peer interaction locally, the company organises a particular set of worldwide conferences twice yearly in Europe, one in Cannes in winter and one in Barcelona in spring. It also organises similar events in the United States and Asia. These worldwide events provide a mix of technology scenarios, a discussion of the external influences and constraints on a particular aspect of the industry and a forecast of how that sector will develop over the next few years, and commentary on specific suppliers and product lines. Typically, there would be up to 50 analysts presenting about 150 sessions over four to five days. My Department considers that, while it is a very intensive seminar, it provides an unparalleled opportunity for technical refresh, that is, updating of knowledge, personal development by providing a view across the whole industry and peer discussion.

Since the executive programme commenced in 2001, the director of the IS division has attended one conference as part of the executive programme in Barcelona in spring 2004, at a cost of under €500. In addition, a principal officer in the IS division availed of the executive programme membership to attend the conference in Cannes in winter 2002, for a cost of under €1300. The cost of attendance is included in the membership, so the costs incurred are for the relevant economy flights, hotel cost and standard subsistence.

My Department has a budget of more than €12.2 billion and is responsible for more than 970,000 transactions each week, which rises in a full year to almost 60 million transactions, covering a wide range of schemes. Therefore, my Department is highly dependent on information and communications technology to support schemes, produce payments and deliver a proactive service to customers. It is highly desirable that ICT management engage in professional development and keep informed of industry best practice. I am satisfied that the services availed of represent value for money.

Social Welfare Benefits.

271. Mr. P. McGrath asked the Minister for Social and Family Affairs if he will report on the number of people in the Dublin 15 area who have received the respite care grant to date in 2005 in so much as they are providing full-time care to others and are not in receipt of the carer’s allowance or benefit; and if he will make a statement on the matter. [33511/05]

Minister for Social and Family Affairs (Mr. Brennan): Budget 2005 provided, _inter alia_, for the extension of eligibility for the respite care grant to people providing full-time care and attention who are not in receipt of either carer’s allowance or carer’s benefit. Those in receipt of the latter payments receive the grant automatically without having to make a separate application. The grant has been paid to 37 people in the Dublin 15 area.

Consultancy Contracts.

272. Mr. P. McGrath asked the Minister for
Social and Family Affairs the number of Government awarded contracts from 1995 until 2004 inclusive that overran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33747/05]

Minister for Social and Family Affairs (Mr. Brennan): Prior to the engagement of consultants, a rigid procurement process is undertaken in my Department in accordance with public sector procurement guidelines and best practice. The achievement of value for money is the central criterion throughout the process. Once a preferred bidder has been identified, my Department agrees a contract, which details the scope of the services to be provided by the consultants and the deliverables to be achieved, to reflect value for money. In line with such contracts, payments are made in respect of the services delivered and deliverables to be achieved, provided the deliverables meet the expectations in all respects.

During the period in question, my Department is not aware of any contracts that overran financially as a result of jobs being incorrectly specified.

Road and Rail Networks.

273. Ms Harkin asked the Minister for Transport the applications that the Government have made to the EU for TENS funding. [33317/05]

274. Ms Harkin asked the Minister for Transport the projects funded under TENS funding since 2000. [33318/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 273 and 274 together.

Since the start of 2000, applications for TEN-T, trans-European networks-transport, financial support for projects in Ireland have been submitted, in the main, within the framework of the multi-annual indicative programme 2001 to 2006, MIP. The financial assistance is committed by the European Commission on an annual basis.

The following are details of the applications submitted since the start of 2000 for road and rail projects for which Commission decisions have been received to date. In the case of road projects, aid amounting to €37.017 million for the planning and design of the Ireland element of the Ireland-UK-Benelux road link project was approved for and €24 million in aid was approved; aid amounting to €2.991 million for the N8 Cashel bypass project was approved for and €1.8 million in aid was approved; and aid amounting to €6.938 million for the N1 Dundalk to the Border with Northern Ireland project was approved for and €3.3 million in aid was approved.

In the case of rail projects, aid amounting to €15.2 million for the elimination of a number of key permanent speed restrictions on the Belfast-Dublin-Cork intercity rail corridor project was approved for and €7.6 million in aid was approved; and aid amounting to €4.4 million for a project undertaking safety and upgrade work in conventional TENs routes was applied for and €3 million in aid was approved. This application was made outside of the MIP.

In addition to the above, two projects, namely, INSTANT and STREETWISE were undertaken by the NRA in collaboration with the authorities in Northern Ireland and the United Kingdom which were supported under the TEN-T budget. The INSTANT, information and management system for multimodal transport in the Republic of Ireland and Northern Ireland, project is a joint project between the NRA and the Roads Service of Northern Ireland. The application for funding was made in 2000 and the amount of aid approved by the Commission was €1.398 million.

The main applicant and beneficiary of the STREETWISE, seamless travel environment for efficient transport in the western isles of Europe, project was the United Kingdom’s Department for Transport. The application for funding was made in 2001, and was approved by the Commission as a multi-annual indicative plan for the 2001 to 2006 period. Total EU funding was €9 million, of which €1.09 million was allocated to the Republic of Ireland.

Road Network.

275. Ms Harkin asked the Minister for Transport if there is a completion date for the upgrading of the Atlantic Road corridor from Letterkenny to Waterford. [33319/05]

276. Ms Harkin asked the Minister for Transport if there are completion dates for any sections of the Atlantic Road corridor from Letterkenny to Waterford. [33320/05]

278. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Dublin-Limerick inter-urban motorway; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33331/05]

279. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Dublin-Waterford inter-urban motorway; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33332/05]

290. Ms O. Mitchell asked the Minister for Transport the start and completion date for the
M50 upgrade phase two; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33334/05]

294. Ms O. Mitchell asked the Minister for Transport the start and completion date for Limerick Southern Ring Road; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33338/05]

295. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Limerick Southern Ring Road; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33339/05]

296. Ms O. Mitchell asked the Minister for Transport the start and completion date for Waterford city bypass; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33340/05]

300. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Dublin-Cork inter-urban motorway; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33344/05]

305. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed M3 motorway; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33349/05]

309. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed M50 upgrade phase one; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33353/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 275, 276, 287, 289, 290, 294 to 296, inclusive, 300, 305 and 309 together.

I am arranging to have all of the information made publicly available at the launch of Transport 21 forwarded to the Deputies and lodged in the Oireachtas Library. Transport 21 provides the broad strategy and the overall funding for the development of the national roads network. The detailed programming of the work involved in the implementation of the programme including the planning, design and implementation of individual road improvement projects, the allocation of funding to individual projects and the establishment of project start dates are a matter for the NRA.

Departmental Costs.

277. Mr. Durkan asked the Minister for Transport the cost to his or other Departments of the launch of Transport 21 including reports, consultancies, public relations work and the actual launch on 1 November 2005; and if he will make a statement on the matter. [33321/05]

Minister for Transport (Mr. Cullen): Transport 21 is based on the work carried out by my Department and the agencies under the aegis of the Department. The work within the Department was carried out by a small team of officials, guided by and reporting to the Minister and management board.

The Department did not engage any consultants to specifically assist or advise it in developing Transport 21. However, it did benefit from the advice of Goodbody Economic Consultants, who were engaged before work on the investment framework commenced to review the business cases submitted by Iarnród Éireann in support of various projects, including its greater Dublin integrated rail network proposals, much of which are included in Transport 21.

No public relations company was used for the launch of Transport 21. There were no costs for the use of Dublin Castle. Costs were incurred for catering at Dublin Castle, producing backdrops, graphics, associated printing and producing a video. The required public procurement procedures were complied with in accordance with Government procurement guidelines.

A company called Webmaster.ie produced the video, which cost €18,750 plus VAT. Details of the other costs incurred will be made available to the Deputy when invoices have been received and payments finalised.

Rail Network.

278. Ms O. Mitchell asked the Minister for Transport the start and completion date for phase two of the Navan rail link; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33322/05]

284. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Tuam to Claremorris rail line; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33328/05]
285. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed interconnector; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33329/05]

286. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed electrification of rail lines to Balbriggan, Maynooth, Navan and Hazelhatch; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33330/05]

292. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Athenry to Tuam rail line; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33336/05]

303. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Cork commuter rail service to Midleton; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33342/05]

304. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Ennis-Athenry rail line; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33347/05]

306. Ms O. Mitchell asked the Minister for Transport the start and completion date for phase one of Navan rail link; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33350/05]

307. Ms O. Mitchell asked the Minister for Transport the start and completion date for a proposed Docklands rail station; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33351/05]

308. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Portlaoise train depot; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33352/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 278, 284 to 286, inclusive, 292, 298, 303, 304 and 306 to 308, inclusive, together.

I am arranging to have all the information made publicly available at the launch of Transport 21 forwarded to the Deputy and lodged in the Oireachtas Library. For ease of reference, the completion dates identified in Transport 21 for the projects referred to by the Deputy are as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ennis to Athenry Rail Line</td>
<td>2008</td>
</tr>
<tr>
<td>Athenry to Tuam Rail Line</td>
<td>2011</td>
</tr>
<tr>
<td>Tuam to Claremorris Rail Line</td>
<td>2014</td>
</tr>
<tr>
<td>Navan Rail Link Phase 1</td>
<td>2009</td>
</tr>
<tr>
<td>New Docklands Rail Station</td>
<td>2009</td>
</tr>
<tr>
<td>Navan Rail Link Phase 2</td>
<td>2015</td>
</tr>
<tr>
<td>Portlaoise Train Depot</td>
<td>2007</td>
</tr>
<tr>
<td>Midleton Commuter Rail Link</td>
<td>2008</td>
</tr>
<tr>
<td>Kildare Route Project</td>
<td>2010</td>
</tr>
<tr>
<td>Rail Interconnector</td>
<td>2015</td>
</tr>
<tr>
<td>Extended Rail Electrification in Dublin</td>
<td>2015</td>
</tr>
</tbody>
</table>

It is not currently envisaged that any of these projects will be procured as a public private partnership. Each project will be the subject of a procurement process, but I am not prepared to give details of the costings included in Transport 21 in advance of receipt of tenders.

Light Rail Project.

279. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Luas extension to Cherrywood and Bray; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33323/05]

280. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Luas extension from the city centre to Liffey junction; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33324/05]

281. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed metro west phase 3, Lucan to Blanchardstown; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33325/05]
282. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Lucan to city centre Luas; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33326/05]

283. Ms O. Mitchell asked the Minister for Transport the start and completion date for metro west phase 4, from Blanchardstown to Ballymun; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33327/05]

291. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed metro west phase two, Clondalkin to Lucan; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33335/05]

293. Ms O. Mitchell asked the Minister for Transport the start and completion date for metro north; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33341/05]

297. Ms O. Mitchell asked the Minister for Transport the start and completion date for phase one of metro west, from Tallaght to Clondalkin; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33343/05]

299. Ms O. Mitchell asked the Minister for Transport the start and completion date for the Sandyford Luas line extension to Cherrywood; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33345/05]

301. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Luas extension from Connolly to the docklands; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33347/05]

302. Ms O. Mitchell asked the Minister for Transport the start and completion date for the proposed Luas extension from Tallaght to Citywest; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33348/05]

310. Ms O. Mitchell asked the Minister for Transport the start and completion date for proposed joining of the Tallaght and Sandyford Luas lines in the city centre; if this project will be a public private partnership; the estimated cost of this project; and if he will make a statement on the matter. [33354/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 279 to 283, inclusive, 291, 293, 297, 299, 301, 302 and 310 together.

I announced a new transport investment programme, Transport 21, on Tuesday, 1 November. This ambitious programme underlines the Government's commitment to develop a world-class transport system for the 21st century. The Minister for Finance and I engaged extensively on the preparation of this landmark framework which involves the investment of over €34 billion in current prices in the ten year period 2006 to 2015.

I include a table which will show the completion dates of each metro or Luas project. The table also shows the metro and Luas projects which will be funded by public private partnership.

The commencement date for each project is a matter for the Railway Procurement Agency, subject to compliance with the relevant statutory provisions and procedures. As each project will be subject to a competitive tendering process, it would not be in the public interest to disclose the estimated cost of individual projects.

<table>
<thead>
<tr>
<th>Project</th>
<th>PPP</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joining of the Red and Green Luas lines</td>
<td>No</td>
<td>2008</td>
</tr>
<tr>
<td>Luas extension to Docklands</td>
<td>No</td>
<td>2008</td>
</tr>
<tr>
<td>Luas extension Tallaght to Citywest</td>
<td>No</td>
<td>2008</td>
</tr>
<tr>
<td>Metro West Phase 1 Tallaght to Clondalkin</td>
<td>Yes</td>
<td>2010</td>
</tr>
<tr>
<td>Luas Extension to Cherrywood</td>
<td>No</td>
<td>2010</td>
</tr>
<tr>
<td>Metro West Phase 2 Clondalkin to Lucan</td>
<td>Yes</td>
<td>2011</td>
</tr>
<tr>
<td>Metro North</td>
<td>Yes</td>
<td>2012</td>
</tr>
<tr>
<td>Luas Extension city centre to Liffey Junction</td>
<td>No</td>
<td>2012</td>
</tr>
<tr>
<td>Metro West Phase 3 Lucan to Blanchardstown</td>
<td>Yes</td>
<td>2012</td>
</tr>
<tr>
<td>Luas Lucan to city centre</td>
<td>Yes</td>
<td>2013</td>
</tr>
<tr>
<td>Metro West Phase 4 Blanchardstown to Ballymun</td>
<td>Yes</td>
<td>2014</td>
</tr>
<tr>
<td>Luas Extension Cherrywood to Bray</td>
<td>No</td>
<td>2015</td>
</tr>
</tbody>
</table>
[Mr. Cullen.]

Questions Nos. 284 to 286, inclusive, answered with Question No. 278.

Questions Nos. 287 to 290, inclusive, answered with Question No. 275.

Question No. 291 answered with Question No. 279.

Question No. 292 answered with Question No. 278.

Question No. 293 answered with Question No. 279.

Questions Nos. 294 to 296, inclusive, answered with Question No. 275.

Question No. 297 answered with Question No. 279.

Question No. 298 answered with Question No. 278.

Question No. 299 answered with Question No. 279.

Question No. 300 answered with Question No. 275.

Questions Nos. 301 and 302 answered with Question No. 279.

Questions Nos. 303 and 304 answered with Question No. 278.

Question No. 305 answered with Question No. 275.

Questions Nos. 306 to 308, inclusive, answered with Question No. 278.

Question No. 309 answered with Question No. 275.

Question No. 310 answered with Question No. 279.

Air Services.

311. Mr. Noonan asked the Minister for Transport if, in any negotiations he is conducting to change the terms of the bilateral air transport agreement between Ireland and the USA, a lengthy transitional period, to protect the interest of Shannon Airport will be included; and if he will make a statement on the matter. [33355/05]

Minister for Transport (Mr. Cullen): As I have indicated in responses to previous questions, it is my clear intention to ensure an EU-US open skies agreement contains an appropriate transitional arrangement for Shannon which will be reflected in changes to the Ireland-US bilateral air transport agreement. The details of the transitional arrangement will be a matter for negotiation with the US.

Departmental Staff.

312. Ms Shortall asked the Minister for Transport the number of people employed by the driver testing and standards authority; the salary costs to date in 2005, the grades of staff and the functions being carried out at each grade level; the implications for personnel in view of his decision to widen the functions of the authority; and if he will make a statement on the matter. [33458/05]

Minister for Transport (Mr. Cullen): The driver testing standards agency, DTSA, has not been established. The establishment of the DTSA which is being expanded and will be known as the road safety authority is being overseen by a project group considering the organisational structure in consultation with the Department of Finance and staff associations. There are, therefore, no salary costs associated with the agency for 2005.

Road Safety.

313. Mr. Sargent asked the Minister for Transport if he is satisfied that regulations here governing the time truck and van drivers can drive without breaks and sleep are satisfactory and are being enforced; and to make a statement on the issue of controlling the standard of truck driving, particularly in regard to the killing and injuring of cyclists; and if he will make a statement on the matter. [33464/05]

Minister of State at the Department of Transport (Mr. Callely): My Department is responsible for enforcement of European Union rules governing drivers’ hours and the use of tachograph recording equipment in heavy goods vehicles to monitor compliance with prescribed breaks and rest periods for drivers. Enforcement checks are carried out at the premises of the operator and at roadside checks. These rules came into force on 29 September 1986 and are set out in Council Regulations Nos. 3820/85/EEC and 3821/85/EEC. The rules apply to drivers of vehicles used for the carriage of goods where the maximum permissible weight of the vehicle, including any trailer or semi-trailer, exceeds 3.5 tonnes.

The EU Commission’s proposals to upgrade the enforcement of drivers’ hours rules is in the conciliation procedure between the Council and the European Parliament with a view to finding a compromise leading to final adoption. This will result in higher levels of drivers’ hours monitoring and, through the introduction of the digital
tachograph a more secure and tamper proof system of controlling drivers and ensuring adequate rest and breaks.

With regard to the issue of controlling the standard of truck driving, while monitoring of drivers’ hours clearly makes a contribution to safer driving, the ultimate qualification standard is the HGV driver licence, which shows that a driver has trained and passed a recognised level of competence in trucks. In addition, EU Directive 2003/59/EC of the European Parliament and of the Council on the training of professional drivers will require EU professional drivers to follow a programme of professional driver training. The training will be compulsory for all persons seeking to become professional drivers and will comprise of training for an initial qualification followed by periodic refresher training equivalent to one day training per annum. Member states have until 10 September 2006 to bring into force the laws, regulations and administrative provisions necessary to comply with this directive. Such enhanced training regimes should make a further contribution to road safety in regard to commercial vehicles.

Rail Network.

314. **Mr. Sargent** asked the Minister for Transport if his attention has been drawn to the fact that many long distance trains do not carry bicycles due to the frequent use of Arrow carriages on these routes; if he agrees Arrow carriages are not suitable for long distance journeys, such as Dublin to Limerick or Dublin to Wexford, and to ensure something is done so that passengers who wish to bring a bicycle can be certain that they will be able to do so. [33466/05]

**Minister for Transport (Mr. Cullen):** The matters to which the Deputy refers are day-to-day operational matters, which fall within the remit of Iarnród Éireann alone. However, I understand the company deploys or proposes to deploy modern commuter rail cars on a number of longer distances services, such as Dublin to Sligo and Wexford. These modern commuter railcars are fully accessible and bicycles can be conveyed on these trains outside the commuter peak periods. By 2007-08, 120 Intercity railcars for use on long distance regional services will have been delivered to Iarnród Éireann. These trains will have suitable accommodation for bicycles and will ultimately enable commuter railcars to be allocated predominately to suburban services, thereby ensuring greater access to facilities to transport bicycles on longer distance trains.

Road Safety.

315. **Ms Shortall** asked the Minister for Transport, further to Questions Nos. 332 and 333 of 12 October 2005, the reason he has not yet published the Medical Bureau of Road Safety’s 2004 annual report; and in view of the continued delay in publishing the report and the fact that the figures are available to him, will he now furnish the information requested. [33513/05]

**Minister for Transport (Mr. Cullen):** As I stated in my reply to Questions Nos. 332 and 333 of 12 October, the Medical Bureau of Road Safety’s 2004 annual report will be published shortly. Certain specific data relating to the forensic analysis programme for driving under the influence of drugs was made available to me by the bureau to facilitate the Deputy in responding to Question No. 174 of 3 November.

**Public Transport.**

316. **Ms Shortall** asked the Minister for Transport, further to Question No. 228 of 27 October 2005, if he will provide the information requested on the average cost per licence to his Department of administering and enforcing the bus licensing system. [33514/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my previous reply to Question No. 228 on Thursday, 27 October 2005. In my last reply I acknowledged that the current level of fees for passenger licences under the Road Transport Act 1932 does not reflect the true cost of the administration and enforcement of the current legislation. It is my intention, therefore, to propose a revision of the current charges in the new year. The information requested by the Deputy is the subject of an examination in my Department to estimate the costs involved in the licensing system. I expect to provide figures to the Deputy by the end of this week.

**Departmental Costs.**

317. **Mr. Eamon Ryan** asked the Minister for Transport the cost to the State for the use of consultants in public relations and design work carried out in conjunction with the launch of the Transport 21 plan; the companies which were involved in that work; and if a tendering process was used in the allocation of such contracts. [33517/05]

318. **Mr. Eamon Ryan** asked the Minister for Transport the cost to the State of the production of the video material used in the launch of the Transport 21 plan; the companies which were involved in that work; and if a tendering process was used in the allocation of such contracts. [33518/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 317 and 318 together.
the Government procurement guidelines. Procedures were complied with in accordance with the video. The required public procurement procedures were complied with in accordance with the Government procurement guidelines.

A company Webmaster.ie produced the video which cost €18,750 plus VAT. Other companies which did work relating to the launch and which are due to submit invoices for payment include: Jack Restan Displays; Creative Ad Ltd; Type Bureau and Grey Door Catering Company. Details of the costs incurred by these companies will be made available to the Deputy when invoices have been received and payments finalised.

Driving Tests.

319. Ms Shortall asked the Minister for Transport the average or typical working hours per day of a driving tester; and the average number of tests per day per driving tester. [33521/05]

Minister for Transport (Mr. Cullen): A driver testers normal working hours are from 9.15 am to 5.30 pm. In the case of driving tests in cars, eight 50 minute tests per day are normally scheduled. Driving tests in higher category vehicles normally take two car test slots and motorcycle tests are scheduled for an hour. In addition, the schedule of tests is altered during the winter months when testers are scheduled for a test during their normal lunch time to compensate for tests lost due to shorter daylight hours. In addition, driver testers conduct additional tests on overtime at lunchtimes and on Saturdays. Time allowance is provided for testing staff to travel to test centres.

Road Network.

320. Ms Shortall asked the Minister for Transport his estimate of the number of extra heavy goods vehicles that will use the West Link toll bridge as a result of the opening of the Dublin Port tunnel; his estimate of the number of extra heavy goods vehicles that will use the M50 as a result of the opening of the port tunnel; the number of heavy goods vehicles which currently use the toll bridge; the number which currently use the M50; and if he will make a statement on the matter. [33522/05]

Minister for Transport (Mr. Cullen): Traffic management in general is a matter for the appropriate local authority and, in the vicinity of Dublin Port, that authority is Dublin City Council. By agreement with the other local authorities and the National Roads Authority, NRA, the day-to-day traffic management on the M50 is the responsibility of Dublin City Council. Issues relating to the West Link toll bridge are matters for the NRA and toll operator, National Toll Roads, NTR.

I am informed by Dublin City Council that, based on a survey carried out by the Dublin Port Company on the origin and destination of Dublin Port traffic, and counts undertaken by Dublin City Council, it is estimated that approximately 2,200 additional heavy goods vehicles, HGVs, are expected to use the M50 and the West Link toll bridge daily following the opening of the Dublin Port tunnel. It should be noted that this figure refers to traffic travelling in both directions on the M50.

I am also informed by the NRA and NTR that the current traffic flows at the West Link toll bridge are 98,000 AADT vehicles, of which 11,500 are classified as HGVs. Data on traffic flows, including proportion of HGVs, at various points of the M50 are available on the NRA website, www.nra.ie.

321. Mr. Connaughton asked the Minister for Transport if quality bus corridors are proposed in the document Transport 21 commencing at Lough George, County Galway — north of Galway city — and continuing towards Galway city to the first roundabout to facilitate the orderly transport of workers to and from Galway city by bus; if his attention has been drawn to the traffic jams at places like Claregalway every day of the week; and if he will make a statement on the matter. [33547/05]

Minister for Transport (Mr. Cullen): Transport 21 provides for funding for quality bus corridors, QBCs, traffic management and park and ride in regional cities throughout the period up to 2015. However, Transport 21 does not allocate funding for any specific quality bus corridors.

It is a matter for the local authorities to prioritise the most suitable routes for QBCs and to apply to the Department for funding. The Department has no application on hands for funding for a QBC from Loughgeorge towards Galway city. The possibility of a QBC from Loughgeorge towards Galway city has been the subject of extensive discussions between Galway County Council and the NRA since 2004. The outcome of that discussion was that the road from Parkmore junction towards Galway city centre was identified as the most suitable stretch of the N17 for implementation of a QBC primarily as it can be located in a reduced speed limit zone.

Galway County Council has recently commenced work, with funding from my Department, on a quality bus corridor on the N17 from the Parkmore junction in an inward direction towards Galway city centre in order to assist in the alleviation of congestion on the N17 route. My Depart-
ment has also funded the implementation of 800 metres of quality bus corridor in Galway on the Dublin Road from the Skerritt roundabout to the Renmore road, which was officially opened in February 2005. Galway City Council is currently carrying out a 2 km extension of this quality bus corridor on the Dublin road from the Skerritt roundabout to the Doughiska road with funding from my Department.

In addition, my Department is also making funding available for a major consultancy study, commissioned by Galway City Council, to examine the potential for additional bus priority, bus transportation and park and ride in Galway city and environs. Funding will be available under Transport 21 for suitable QBC, bus priority, and park and ride proposals that emerge from this consultancy study.

The bypassing of Claregalway, which should alleviate traffic congestion around the village, is part of the N17 Galway to Tuam project consisting of 25 km of high quality dual carriageway. The design work on the N17 project is continuing on an ongoing basis and it is expected that the environmental impact assessment-compulsory purchase order will go to a hearing during 2006. All the above measures will help to alleviate traffic congestion and to improve traffic flow within Galway city and in the city environs.

Public Service Contracts.

322. Mr. P. McGrath asked the Minister for Transport the number of Government awarded contracts from 1995 until 2004 inclusive that overran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33748/05]

Minister for Transport (Mr. Cullen): I am not aware of any overspend on contracts due to them being incorrectly specified.

Security of the Elderly.

323. Mr. P. Breen asked the Minister for Community, Rural and Gaeltacht Affairs when funding will be made available for panic buttons and security lighting for the elderly (details supplied) in County Clare; and if he will make a statement on the matter. [33398/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Payment will be arranged by my Department on receipt of a current tax clearance certificate from the group in question.

Consultancy Contracts.

324. Mr. Gilmore asked the Minister for Community, Rural and Gaeltacht Affairs if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33414/05]

325. Mr. Gilmore asked the Minister for Community, Rural and Gaeltacht Affairs if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33423/05]

326. Mr. Gilmore asked the Minister for Community, Rural and Gaeltacht Affairs if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33432/05]

327. Mr. Gilmore asked the Minister for Community, Rural and Gaeltacht Affairs his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33441/05]

328. Mr. Gilmore asked the Minister for Community, Rural and Gaeltacht Affairs the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33450/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamonn Ó Cuív): I propose to take Questions Nos. 324 to 328, inclusive, together.

No such consultancy was purchased by my Department.

Public Service Contracts.

329. Mr. P. McGrath asked the Minister for Community, Rural and Gaeltacht Affairs the number of Government awarded contracts from 1995 until 2004 inclusive that overran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33749/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamonn Ó Cuív): The establishment of my Department in June 2002 brought together a range of schemes and programmes that were previously operated by a number of other Departments. Accordingly, some contracts and specifi-
cations were inherited by my Department that had to be better aligned with the structure and resources of my Department. Within this framework, there do not appear to be any contracts that fall into the category mentioned by the Deputy.

Milk Quota.

330. Mr. N. O’Keeffe asked the Minister for Agriculture and Food the position regarding an application by a person (details supplied) in County Cork for an additional milk quota following his application to the milk appeals tribunal. [33394/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal examines and makes recommendations on applications for additional quota from individual producers.

The person named has applied to the tribunal in the current 2005-06 quota year and an acknowledgement letter has issued to him confirming receipt of his application form. The tribunal will examine applications between now and the end of the quota year in March 2006 and all applicants will be notified of the outcome in their case.

Consultancy Contracts.

331. Mr. Gilmore asked the Minister for Agriculture and Food if her internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33415/05]

Minister for Agriculture and Food (Mary Coughlan): The Department conducts a detailed programme of audits across its range of activities and programmes. The programme is drawn up annually on the basis of a range of criteria including the level of expenditure and the related risk assessment. My Department has also had an IT audit function in place since 2001, which focuses exclusively on the IT function. The specific subscription service referred to by the Deputy has not been the subject of internal audit review to date.

332. Mr. Gilmore asked the Minister for Agriculture and Food if value for money has been achieved by her Department in its purchase of a consultancy service (details supplied); and if she will make a statement on the matter. [33424/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has been engaged in delivering an unprecedented programme of ICT transformation. As part of this transformation, it has delivered large-scale ICT systems that are extremely successful and deliver excellent value to the Department, its customers and its stakeholders.

Access to the best international research and advice is a critical component in the successful management of such a large-scale programme. My Department has found the services provided by the company in this area to be of value in the context of the overall IT programme.

333. Mr. Gilmore asked the Minister for Agriculture and Food if any of her officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if she will make a statement on the matter. [33433/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has a range of large operational activities that depend critically on information and communications technology, ICT. This is an integral part of our service delivery and provides the level of operational efficiency, customer service and control appropriate to management of schemes worth some €3 billion. In this context it is important the ICT management keep fully abreast of developments in the sector and international best practice.

The organisation concerned runs two European conferences each year addressed by world leaders in the field, and which many of their analysts attend. These conferences are held in Barcelona and Cannes. Registration for one person at each conference is provided as part of membership of this company’s executive programme and the only cost arising is economy travel, hotel and standard subsistence. Since autumn 2003 one member of my Department has attended these conferences, except for spring 2005.

334. Mr. Gilmore asked the Minister for Agriculture and Food her knowledge of a consultancy service (details supplied); the number of officials of her Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if she will make a statement on the matter. [33442/05]

Minister for Agriculture and Food (Mary Coughlan): My Department subscribes to the services of the company to which the Deputy refers, which is a globally recognised provider of research and business intelligence in the area of ICT. It is not associated with any software or hardware vendor, and the advice of the company is regarded as totally independent. This is of significant value since it is hard to get truly indepen-
dent, unbiased information. The company referred to has an extensive team of top class analysts spread across the world. It has a significant bank of research in place to which many new research papers are added each month.

The company also gives significant strategic information on how leading organisations worldwide are using IT to best advantage for service delivery. My Department has a range of large operational activities that depend critically on ICT. This is an integral part of our service delivery and provides the level of operational efficiency, customer service and control appropriate to management of schemes worth some €3 billion. It is important the ICT management keep fully abreast of developments in the sector and international best practice and for this reason, my Department decided to subscribe to the services provided by the company’s executive programme. This programme is aimed at providing a service best suited to large-scale users of ICT.

The programme to which my Department subscribes provides unlimited access for all of the Department’s IT managers to the research material and a wide network of researchers and analysts.

335. Mr. Gilmore asked the Minister for Agriculture and Food the number of competing companies considered in her Department’s assessment before a company (details supplied) was granted a programme; and if she will make a statement on the matter. [33451/05]

Minister for Agriculture and Food (Mary Coughlan): Although several companies offer research and advisory services, the company in question has a worldwide reputation as the leading independent adviser in the industry. It is a globally recognised provider of research and business intelligence in the area of ICT. It is not associated with any software or hardware vendor, and its advice is regarded as totally independent. The company referred to provides a subscription service based on its own continuous research programme carried out by a team of analysts spread across the world. This includes a combination of research covering current and future technology in general, suppliers and their strategies and also reports on how ICT has been deployed in various industry sectors, including the public sector, worldwide.

It supplements this research by offering a programme of direct support to senior ICT management. This service provides strong quality assurance for my Department’s overall ICT strategy as well as advice on specific projects and technologies.

Grant Payments.

336. Dr. Upton asked the Minister for Agriculture and Food if she will review the single farm payment entitlement of a person (details supplied) in County Clare; and if she will make a statement on the matter. [33523/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for consideration of force majeure or exceptional circumstances in respect of his entitlements under the scheme. The circumstances outlined by him did not satisfy the criteria for force majeure or exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. The person named appealed that decision to the single payment appeals committee. The finding of the appeals committee was that the original decision taken by my Department should be upheld. The person named then submitted his case to the Ombudsman, who also upheld my Department’s decision in this matter.

As no new evidence or additional information has been furnished to my Department there are no grounds for a review of the single farm payment entitlements due to the person named, at this time. The person named also submitted an application under category C of the single payment scheme 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 2000-02.

Over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications continues and the intention is to make allocations to successful applicants at the earliest opportunity. The Department will be in touch with individual applicants as soon as their applications are fully processed.

Land Annuities.

337. Mr. Deasy asked the Minister for Agriculture and Food the steps she intends taking to ensure that affected farmers are aware of the new land annuity capital buy-out offer of 25%; if her Department will write to each affected farmer to inform them of this entitlement; the period available to farmers to respond to this offer; and if she will make a statement on the matter. [33526/05]

Minister for Agriculture and Food (Mary Coughlan): Information notices describing the
new land annuity capital discounted buy-out scheme will shortly be published in the farming and national press. These notices will set out the terms of the buy-out scheme, as provided in the Land Act 2005. I also intend to write to each farmer entitled to participate in the buy-out scheme, providing them with full details of the scheme and their entitlements under it. The scheme will commence on 1 January 2006 and close on 30 June 2006.

Grant Payments.

338. Mr. Deasy asked the Minister for Agriculture and Food her views on the EU Commission proposal that 1% of the single farm payment due to farmers will be deducted from 2009 and will be diverted to fund rural development measures; if her attention has been drawn to the fact that this proposal is totally unacceptable to farmers here in view of the commitment given by former Agriculture Commissioner Fischler in 2003 that the single farm payment was fully guaranteed until 2013; and if she will make a statement on the matter. [33527/05]

Minister for Agriculture and Food (Mary Coughlan): The proposal for the introduction of further modulation of direct payments is one of a series of proposals which was put forward by the Commission with a view to facilitating agreement on the next financial perspective for 2007-13. The negotiations broke down at the European Council in June and the UK Presidency aims to conclude an agreement next month. The Irish position in the negotiations, as decided by the Government, is that the decision of the European Council in October 2002 on the budgetary allocations to the Common Agricultural Policy in respect of direct payments and market supports should be fully respected and that adequate funding for rural development should be provided separately.

339. Mr. Connaughton asked the Minister for Agriculture and Food when the REPS payment will be awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [33545/05]

Minister for Agriculture and Food (Mary Coughlan): The application from the person named was received in my Department on 31 August last. The application was referred for a full plan and on farm inspection due to discrepancies between the area declared for area aid and the REPS area. Following this inspection an amended plan was required and was received in my Department on 4 November. The amended plan is now being processed and if in order payment should issue shortly.

340. Mr. Connaughton asked the Minister for Agriculture and Food the single payment which will accrue to a person (details supplied) in County Galway as a result of them ceasing milk production in 2002; and if she will make a statement on the matter. [33546/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the single payment scheme national reserve under category B which caters for farmers who, between 1 January 2000 and 19 October 2003, invested in production capacity in 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 person concerned also submitted an application under category C which caters for active dairy 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 2000-02.

The rules governing the single payment scheme stipulate that an applicant who is found to be eligible under more than one category in the reserve may only receive an allocation of entitlements under whichever category is most beneficial to him or her.

Over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications continues and the intention is to make allocations to successful applicants at the earliest opportunity. The Department will be in touch with individual applicants as soon as their applications are fully processed.

341. Mr. Perry asked the Minister for Agriculture and Food when a person (details supplied) will receive the area based payment; and if she will make a statement on the matter. [33554/05]

Minister for Agriculture and Food (Mary Coughlan): An application under the disadvantaged areas scheme-single payment scheme was received from the person named on 5 May 2005. A payment for the amount of €4,126.60 in respect of the 2005 disadvantaged area scheme was
lodged to the bank account of the person named on 23 September 2005.

Consultancy Contracts.

342. Mr. P. McGrath asked the Minister for Agriculture and Food the number of Government-awarded contracts from 1995 until 2004, inclusive, that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if she will make a statement on the matter. [33750/05]

Minister for Agriculture and Food (Mary Coughlan): The detailed information requested by the Deputy, covering a period of a decade, will require an extensive retrospective data retrieval and assessment exercise in my Department. The information will be sent to the Deputy once it has been compiled.

Registration of Title.

343. Mr. Kenny asked the Minister for Justice, Equality and Law Reform the reason for the delay in issuing deeds to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [33372/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

Joyriding Offences.

344. Mr. Gregory asked the Minister for Justice, Equality and Law Reform if a report will be requested from the Garda authority regarding the complaint from a local residents group that the area (details supplied) is a haven for joyriders and unregistered motor cyclists and is strewn with burnt out vehicles and the apparent inability of the gardaí to cope with the problem; if he is satisfied that the gardaí can be adequately resourced to deal with the problem; and if he will make a statement on the matter. [33373/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area in question is owned by Fingal County Council. The only access to this area is through privately owned land. I understand that as a result of advice, and co-operation with the gardaí, the private landowner has now limited the access to the area through his land.

I am further informed that the most recent incident in the area concerned was recorded on 17 March 2005. I am assured by the Garda authorities that policing in this area is kept under constant review in order to ensure that it is tailored to meeting changing circumstances as they occur, and that there are adequate resources to deal with the issues raised by the Deputy.

Asylum Applications.

345. Caomhghín Ó Caoláin asked the Minister for Justice, Equality and Law Reform if he will grant humanitarian leave to a family of a person (details supplied) in County Cork. [33374/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy entered the State in March 2003 with her twin children. She was unsuccessful in her application for asylum and was informed that the Minister proposed to make deportation orders in respect of her and her children. Representations were made on behalf of the applicant. Following consideration of the file, deportation orders were signed in respect of the family on 15 September 2005.

The family was due to be deported on 18 October 2005 but following representations, a stay was put on the deportation pending a further review of the file. In this respect, extensive correspondence, including a detailed submission dated 4 November 2005 from the person’s solicitor, has been received and is being considered at present. A decision as to whether to affirm the deportation orders in this case will be made shortly and this will be communicated directly to the solicitor concerned.

Pension Provisions.

346. Mr. Noonan asked the Minister for Justice, Equality and Law Reform the number of retired members of the Garda Síochána in receipt of pensions without the pension benefit of those allowances which were made pensionable from 1 January 1993; the cost of awarding the pension benefit of these allowances to those persons; and if he will make a statement on the matter. [33375/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With effect from 1 January 1993, unsocial hours allowance, which covers night duty, Saturdays, Sundays and public holidays was made pensionable under the Garda Síochána pension scheme. There are 1,446 Garda pensioners who retired prior to 1 January 1993 and who do not receive the benefit of unsocial hours allowance in their pensions. The current annual average rate of pension payable in respect of unsocial hours allowances is approximately €4,000 per Garda member. The current annual cost to the Exchequer of awarding a pension
based on unsocial hours allowances to those members who are not in receipt of such pension benefits is estimated at €5,784,000.

There are also a number of Garda widow’s pensions in payment to the widows and children of deceased members who retired prior to the date in question. However, it is not possible to readily ascertain the cost of paying unsocial hours benefit to these pensioners.

The position on the pensionability of Garda allowances is that the Government decided in September 2001 to accept the thrust of the package of reforms recommended by the Commission on Public Service Pensions and to establish a working group to advise on implementation, as provided for in the Programme for Prosperity and Fairness. Parallel structures with the same remit were established in the case of the Garda Síochána and the Defence Forces. The operational details of the implementation of the commission recommendations have been agreed by Government following receipt of a report from the implementation working group and a report from the Garda parallel working group.

The commission considered the issue of parity of pensions for members of the Garda Síochána who retired prior to 1993 who do not receive the unsocial allowance element in their pensions and for those who retired prior to 1982 who do not receive rent and other allowance elements in their pensions. The commission also examined the specific issue of the pensionability of allowances for members of the Garda Síochána and others, as part of its deliberations, but having assessed the arguments, did not recommend any increase in pension for the groups involved. Having regard to the commission’s report, I have no plans to initiate a further review on the matter.

Garda Remuneration.

347. Mr. Noonan asked the Minister for Justice, Equality and Law Reform the allowances payable to members of the Garda Síochána which were made pensionable in 1982; the allowances which were made pensionable in 1993; and if he will make a statement on the matter. [33376/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With effect from 1 October 1982, the following allowances were made pensionable under the Garda Síochána pensions scheme, namely, those in respect of rent, instructor, transport, public service vehicles, radio, Ministers’ drivers, substitution, sub-aqua, Gaeltacht, weights and measures and clerical. With effect from 1 January 1993, unsocial hours allowance, which covers nights duty, Saturdays, Sundays and public holidays, was made pensionable.

The position is that the Government decided in September 2001 to accept the thrust of the package of reforms recommended by the Commission on Public Service Pensions and to establish a working group to advise on implementation, as provided for in the Programme for Prosperity and Fairness. Parallel structures with the same remit were established in the case of the Garda Síochána and the Defence Forces. The operational details of the implementation of the commission recommendations have been agreed by Government following receipt of a report from the implementation working group and a report from the Garda parallel working group.

The commission considered the issue of parity of pensions for members of the Garda Síochána who retired prior to 1993 who do not receive the unsocial allowance element in their pensions and for those who retired prior to 1982 who do not receive rent and other allowance elements in their pensions. The commission also examined the specific issue of the pensionability of allowances for members of the Garda Síochána and others, as part of its deliberations, but having assessed the arguments, did not recommend any increase in pension for the groups involved. Having regard to the commission’s report, I have no plans to initiate a further review on the matter.

Consultancy Contracts.

348. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33416/05]

349. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33425/05]

350. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33434/05]

351. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at
this level; and if he will make a statement on the matter. [33443/05]

352. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33452/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 348 to 352, inclusive, together.

My Department has a basic entry level contract with the company in question for vendor independent research material on the IT industry worldwide. The contract is for one senior official to have access to all the research material in question with regular reports on areas of special interest and also to request deeper analysis, as required. There are a number of briefings offered each year as part of this basic service. While there is a vast quantity of free information or material supplied by vendors available in the public domain, it is considered appropriate that a more substantive source is also availed of, especially when considering claims of rival vendors. The value of the contract with the Department in 2005 is €14,250. This is considered to represent good value for money and a more cost effective way of obtaining independent and reliable information than commissioning periodic studies and reviews. Above all, access to this service helps my Department to ensure that IT procurement decisions are soundly based and that good value for money is achieved.

At time of the award of the initial contract in 1998 the Department availed of a central Civil Service wide agreement with the firm in question for analysis services which had been facilitated by the Centre for Management, Organisation and Development or CMOD. Since then our contract has varied slightly over time and at each renewal other companies’ products are examined. The situation will be reviewed again when the current contract expires next year, in accordance with Department of Finance guidelines on the procurement of goods and services. Given the wide range of goods and services procured by my Department every year, it is not possible for the internal audit unit to review every individual procurement. It would be a departure from normal audit practice were the unit to do so. Our internal audit has had no particular reason to examine the procurement referred to by the Deputy and has no evidence to suggest that the Department of Finance guidelines were not adhered to.

In so far as the additional services and executive programme referred to by the Deputy are concerned, the position is that my Department is not a member of that programme and no staff member from my Department has attended the event mentioned.

Citizenship Applications.

353. Mr. Hogan asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for citizenship by a person (details supplied) in County Carlow; and if he will make a statement on the matter. [33456/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In my response to Question No. 261 on 27 October 2005, I informed the House that I asked my officials to expedite the processing of the application of the person concerned. Processing is now almost finalised and I understand that the case file is due to be referred to me for a decision in the next few days. I will inform both the Deputy and the applicant when I have reached a decision in the matter.

Garda Stations.

354. Mr. Stagg asked the Minister for Justice, Equality and Law Reform the amendments proposed by the Garda Síochána to the revised sketch scheme for the new Leixlip Garda station; the person responsible for agreeing or disagreeing to these proposed amendments; when a decision will be made; and, if the amendments are agreed to, may the Office of Public Works then proceed with the public consultation process or must it resubmit a new revised sketch scheme for approval. [33512/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 501 of 8 November 2005, which set out the current position with regard to the proposed new Garda station for Leixlip. The Office of Public Works, taking into account constraints such as architecture and available space, will incorporate the requested changes into its plans. These changes and the manner in which they have been incorporated into the plans will have to be signed off by the Garda authorities. I can assure the Deputy that this process will be progressed with due urgency. The Deputy will appreciate my reluctance on security grounds to enter into the public record details of the internal layout of this or any other Garda station or premises.

Road Traffic Offences.

355. Ms Shortall asked the Minister for Justice, Equality and Law Reform, further to Question
[Ms Shortall.]
No. 363 of 12 October 2005, if he will provide the figures requested. [33515/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have made inquiries with the Garda authorities and the information requested by the Deputy is outlined in the following table. This table lists the Garda stations in which evidential breath testing machines are installed and the number of breath tests conducted in each station for the years 2002 to 2004 as supplied by the Medical Bureau of Road Safety. These figures may include tests carried out for demonstration or training purposes.

I am further informed that the Medical Bureau of Road Safety maintains evidential breath testing instrument records, including the number of tests carried out by each instrument. The number of tests conducted in 2004 is provisional pending publication of the Medical Bureau of Road Safety annual report for 2004.

Garda stations in which evidential breath testing instruments are installed and number of breath tests per station, 2002 to 2004.

<table>
<thead>
<tr>
<th>Station</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashbourne</td>
<td>0</td>
<td>0</td>
<td>61</td>
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<tr>
<td>Athlone</td>
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<td>100</td>
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<tr>
<td>Ballina</td>
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<td>127</td>
<td>76</td>
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<td>18</td>
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<tr>
<td>Baltinglass</td>
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<td>Belmullet</td>
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<td>Birr</td>
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<tr>
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**Extradition Requests.**

356. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform, further to Question No. 494 of 2 November 2005, the countries which made requests in respect of Nos. 1 to 24, inclusive, on table one and in respect of Nos. 1 to 47, inclusive, on table two. [33549/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I regret that I am unable to provide the Deputy with the information sought since to do so may have the effect of alerting some of the people concerned to the fact that a request has been received for their extradition or surrender. This could result in these persons having the opportunity to flee before the requests can be brought before the courts.
Public Service Contracts.

357. Mr. P. McGrath asked the Minister for Justice, Equality and Law Reform the number of Government awarded contracts from 1995 to 2004, inclusive, that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33751/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department’s arrangements for procurement and monitoring of expenditure are in line with established Government procedures and the Department’s appropriation accounts are subject to scrutiny by the Comptroller and Auditor General in the normal way. Therefore, I refer the Deputy to the audited appropriation accounts and annual reports of the Comptroller and Auditor General for the years in question.

Disadvantaged Status.

358. Ms Harkin asked the Minister for Education and Science if disadvantaged status will be granted to a school (details supplied) in County Leitrim. [33539/05]

359. Mr. Perry asked the Minister for Education and Science when the disadvantaged status will be granted to a school (details supplied) in County Leitrim; and if she will make a statement on the matter. [33671/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 358 and 359 together.

My Department’s approach to tackling disadvantage has been refined in more recent initiatives to ensure that individual, at-risk pupils are targeted. Rather than the old method of designating schools as disadvantaged, we now provide supports that are commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage.

The school to which the Deputy refers is included in the rural dimension of my Department’s Giving Children an Even Break programme, aimed at combating educational disadvantage. The school receives additional financial resources to provide educational supports to be targeted at disadvantaged pupils.

A key element of delivering equality of opportunity in schools, DEIS, the new action plan for educational inclusion, is the putting in place of a standardised system for identifying levels of disadvantage in our primary and second level schools for the purposes of qualifying for resources, both human and financial, according to the degree of disadvantaged experienced. This standardised system will replace all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage.

As a result of the identification process, approximately 600 primary schools, comprising 300 urban-town and 300 rural, and 150 second level schools will be included in a new school support programme, SSP. The SSP will bring together and build upon a number of existing interventions for schools and school clusters and communities with a concentrated level of educational disadvantage.

We anticipate being in a position to notify participating schools regarding the outcome of the ongoing identification process by the end of the year.

Pension Provisions.

360. Mr. Gregory asked the Minister for Education and Science if progress has been made regarding the transferability of teachers’ pensions between here and the Six Counties, where teachers worked in both jurisdictions, in the context of the Good Friday Agreement; and if she will make a statement on the matter. [33377/05]

Minister for Education and Science (Ms Hanafin): The North-South Ministerial Council agreed at a sectoral meeting in February 2000 that a joint working group on teachers’ superannuation should be set up to consider the question of transferring the superannuation entitlements of teachers between this State and Northern Ireland.

The working group has identified a range of options for effecting transfer arrangements. The group is fully aware that the superannuation arrangements of teachers cannot be considered in isolation and that any arrangements proposed in the case of teachers will have to have full regard to the costs and other implications for employers in the public sector generally. In this context, the North-South Ministerial Council, which established the group, decided at its plenary meeting on 28 June 2002, that a broad-based working group should be set up to consider the question of superannuation generally, including the mobility of pension rights not only between this jurisdiction and Northern Ireland but between this jurisdiction and the wider United Kingdom. The North-South Ministerial Council was suspended, however, before it could formally establish the broad-based group.

Pending a return to devolution and the establishment of the broad-based working group, it is unlikely that any arrangements for North-South transfers can be finalised.
I should add that the College of Commissioners of the European Union has recently proposed that a directive be made by the European Parliament regarding the portability of pension rights between member states. These proposals will be taken account of by the joint working group on teachers’ superannuation.

Special Educational Needs.

361. Mr. Gregory asked the Minister for Education and Science her views on the submission from a school (details supplied) in Dublin 7 regarding the allocation of resource teachers; her further views on the present system of allocation of resource teachers based on numbers and school size and not on need and therefore perpetrates inequality; and if she will make a statement on the matter. [33378/05]

362. Mr. Gregory asked the Minister for Education and Science if the present staffing of a school (details supplied) in Dublin 7 will be retained and additional staffing considered. [33379/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 361 and 362 together.

I confirm that my Department has received a submission from the school in question regarding the retention of existing special needs teaching posts. I also confirm that there has been no reduction in the current level of teaching supports at this school.

The submission will be considered as quickly as possible and my officials will be in contact with the school authorities as soon as this process has been completed.

Third Level Fees.

363. Mr. O’Dowd asked the Minister for Education and Science the financial support available to assist a person (details supplied) in County Louth; and if she will make a statement on the matter. [33380/05]

Minister for Education and Science (Ms Hanafin): I understand that the person referred to by the Deputy is due to commence a postgraduate course of study in the United Kingdom in January, 2006.

The third level student support schemes, administered by the local authorities and vocational education committees, on behalf of my Department do not extend to postgraduate study outside the island of Ireland.

Any extension of the current arrangements to provide for students pursuing postgraduate courses outside the island of Ireland could only be considered in the light of available resources and other competing demands within the education sector.

However, section 473A of the Taxes Consolidation Act, 1997, provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU member states and in non-EU countries. Further details and application forms — the IT 31 form — to claim tax relief on tuition fees are available from the Revenue Commissioners.

Site Acquisitions.

364. Ms C. Murphy asked the Minister for Education and Science her proposals to ensure school sites are provided in conjunction with the development of new houses and communities; the role she envisages the construction industry will play in such integrated development; and if she will make a statement on the matter. [33455/05]

Minister for Education and Science (Ms Hanafin): I am conscious of the pressures being placed on education providers in areas of major population growth. In this context, my Department is prioritising the provision of new and enhanced educational facilities in these areas. The prioritisation criteria, recently revised in consultation with the education partners, allocates a top priority, band-one, rating to school building projects in such areas.

My Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. As a matter of course, meetings are arranged with local authorities to establish the location, scale and pace of any major proposed developments and sites are reserved, where necessary, to ensure, as far as possible, the timely delivery of any required education infrastructure. Furthermore, under the provisions of the strategic development zones, SDZ, it is generally the position that sites must be reserved for schools and also that the schools must be developed in line with the housing and other developments.

In addition, the school planning section of my Department is working proactively with some local authorities to explore the possibility of the development of school provision in tandem with the development of community facilities. This enhanced co-operation has the effect of minimising my Department’s land requirements and thus reducing site costs, while at the same time provid-
ing local communities with new schools with enhanced facilities.

With regard to the provision of sites for school infrastructure, the provisions of the Planning and Development Act 2000 do not place any onus on developers to provide school sites other than at market rates. I am keeping an open mind on whether legislative change might be of assistance or prove the best way forward here. Any changes in this area would require careful consideration in the context of constitutional protection for private property and, indeed, in weighing up how any reduction in the price per acre of any land given for schools development might impact on the unit costs and affordability of houses developed on the remaining lands.

**School Transport.**

365. **Mr. Connaughton** asked the Minister for Education and Science if she will examine the case of a family (details supplied) and the problems that they are experiencing in relation to the provision of school transport; if she will ensure that the remote transport grant will issue in 2005; and if she will make a statement on the matter. [33551/05]

Minister for Education and Science (Ms Hanafin): A report furnished to the Department earlier this year by Bus Éireann, which operate the school transport services on behalf of my Department, has indicated that the children referred to in the details supplied by the Deputy are not attending their nearest national school. A previous report from Bus Éireann stated that the school currently being attended was their nearest.

The family was paid a remote area grant on the basis that the children were eligible for transport to the school in question but no transport service was available. When the error came to light the family was informed of the position and payment of the grant ceased.

The family may appeal my Department’s decision the school transport appeals board.

**Public Service Contracts.**

366. **Mr. P. McGrath** asked the Minister for Education and Science the number of Government awarded contracts from 1995 until 2004 inclusive that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if she will make a statement on the matter. [33752/05]

Minister for Education and Science (Ms Hanafin): All contracts awarded by my Department are in compliance with existing guidelines on public procurement under EU and national rules. I am not aware of any contracts that over-ran financially due to their having been incorrectly specified.

**Defence Forces Recruitment.**

367. **Mr. Allen** asked the Minister for Defence when each officer of the new Reserve Defence Forces will receive formal notification of their new appointment; in the case of reserve officers appointed as unit commanders, when will they take over command; and the way in which this will be communicated. [33382/05]

Minister for Defence (Mr. O’Dea): Formal notification of posting of officers to appointments in the Defence Forces, including RDF officers, is effected by means of an amendment to the *Gazette*. Such amendments are normally published monthly.

In the case of the appointment of officers, including commanding officers, to the new RDF establishment, the military authorities have proposed the publication of a special *Gazette* amendment, which will include all officer appointments encompassing 671 officers. The military authorities have informed me that this will be published shortly and all appointments will be with effect from 1 October 2005, when the new organisation came into effect.

**Defence Forces Review.**

368. **Mr. Allen** asked the Minister for Defence if, having regard to the stated policy requirement that each new reserve unit will have a close supportive working relationship with a PDF unit, the way in which this requirement was met in the location of new reserve units headquarters shown in the published brochure for the first southern brigade area; if his attention has been drawn to the fact that, in the case of the reserve units located in Sarsfield Barracks and Kickham Barracks, the relevant PDF units are in Collins Barracks, Cork, and in the case of all infantry and artillery units not one of the headquarters is located with the parent units in Collins Barracks. [33383/05]

Minister for Defence (Mr. O’Dea): The Reserve Defence Force review implementation plan, which was launched in July 2004, started a process that will lead to a significantly enhanced Reserve Defence Force capability while ensuring the preservation of the traditional strengths of the reserve such as the spirit of voluntary commitment, the maintaining of strong links with local communities and a nationwide geographical spread.
On 1 October 2005, an important milestone in the process was reached with the introduction of the new reserve organisational structures. The reserve is now organised along similar lines to the Permanent Defence Force with an Army reserve comprising three brigades and a Reserve Defence Force training authority and a dedicated Naval Service Reserve. The close working and support relationship between PDF and RDF units is an important contributory factor in ensuring that the RDF will acquire the appropriate capabilities as well as enhancing RDF and PDF interoperability, which is a key focus of the implementation plan. This will require co-operation between affiliated PDF and RDF units. The RDF training strategy specifies a number of ways in which the PDF and RDF will co-operate in training for improved capabilities and interoperability.

The revision of RDF training syllabi and the acquisition of modern weapons for RDF units will contribute to enhanced RDF capability and interoperability. In addition, the provision of PDF instructors to RDF units during periods of full time instruction, RDF personnel undertaking training with PDF units, RDF personnel participating in exercises with PDF units, PDF assessment of RDF training and the PDF providing training facilities including transport, equipment and infrastructure for RDF training, are just some examples of the type of support and working relationships that are envisaged.

The development of the integrated element of the reserve will further enhance the working and support relationship between the PDF and the RDF, as will the development of policies for the selection of suitably qualified reserve personnel for overseas service. The military authorities carefully considered all of the aforementioned issues in developing a plan for the new reserve organisational structures. The widespread consultation that was a feature of the planning process was an essential factor in ensuring that the new reserve organisational structures are consistent with the Reserve Defence Force review implementation plan requirements. The plan was supported by the representative associations in particular the Reserve Defence Force Representative Association and I am confident that new reserve organisational structures throughout the country are appropriate and will contribute to a greatly enhanced reserve capability.

**Defence Forces Reserve.**

369. **Mr. Allen** asked the Minister for Defence the legislative or regulatory changes which were made prior to the launching of the new Reserve Defence Force; the effective dates of same; and in what force are members of the FCA. [33384/05]

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**Minister for Defence (Mr. O'Dea):** On Saturday, 1 October, I formally launched the reorganised reserve at a ceremony in Sarsfields Barracks, Limerick. This reorganisation involves the disestablishment and amalgamation of reserve units throughout the country. The following necessary regulatory changes were signed by myself with an effective date of 1 October 2005: Amendment No. 2 to Defence Force Regulations A.1 — Statutory Powers, Duties and Functions; Amendment No. 70 to Defence Force Regulations A.7 — Discipline; Amendment No. 22 to Defence Force Regulations A.18 — Military Command; Amendment No. 315 to Defence Force Regulations C.S.4 — Organisation of the Defence Forces; Amendment No. 1 to Defence Force Regulations L.2 — Weapons, Ammunition, Explosives and other items of Ordnance; A new Regulation R.5 (New Series) — Reserve Defence Force; and Defence Regulations R.5 An Fórsa Cosanta Aítiúil and Defence Force Regulations R.6 — an Slua Muirí were revoked.

The class of the Reserve Defence Forces previously called the Reserve of Officers, an Fórsa Cosanta Aítiúil, shall now be known as the Reserve of Officers, Army Reserve, and the class previously called the Reserve of Men, an Fórsa Cosanta Aítiúil, shall now be known as the Reserve of Enlisted Personnel, Army Reserve.

**State Property.**

370. **Mr. N. O'Keeffe** asked the Minister for Defence if his Department will arrange to have refuse removed from land owned by his Department (details supplied). [33385/05]

371. **Mr. N. O'Keeffe** asked the Minister for Defence the position regarding the disposal of a small section of property to a person (details supplied) in County Cork; if his attention has been drawn to the fact that no further developments have taken place for the past 12 months. [33386/05]

**Minister for Defence (Mr. O'Dea):** I propose to take Questions Nos. 370 and 371 together.

My Department holds two small plots of land on a laneway which was part of the former military barracks in the locality in question. In recent years, there has been unauthorised encroachment upon those plots by another party and my Department is addressing the matter of that encroachment in consultation with the Office of the Chief State Solicitor. The Department will investigate the question of refuse on its property and will arrange for its removal as appropriate. The disposal of these plots of land will be addressed following resolution of the unauthorised encroachment.
Service Medals.

372. Mr. Timmins asked the Minister for Defence the various types of medals that are issued by his Department to members or former members of the Defence Forces; if consideration has been given to the issuing of service medals to the soldiers of the former national Army of Saorstát Éireann; and if he will make a statement on the matter. [33550/05]

Minister for Defence (Mr. O'Dea): The following tables list the medals issued by my Department.

Medals Issued for Service before 1924
- 1916 Medal
- Service Medal (War of Independence)
- Commemoration Medals (1966) Anniversary of Easter Rising
- Commemoration Medals (1967) Anniversary of the War of Independence / Truce

Medals Issue for Service after 31 July1924
- Emergency Service Medal
- Good Conduct Medal
- Service Medal
- Military Medal For Gallantry
- Distinguished Service Medal
- Service Medal (Reserve Defence Force)
- UN Peacekeepers Medal
- Military Star

No medals have ever been struck for personnel who had military service in the National Army. Given the unreliability of the records for that period, assessing individual eligibility would now be very problematical.

Public Service Contracts.

373. Mr. P. McGrath asked the Minister for Defence the number of Government awarded contracts from 1995 until 2004 inclusive that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect specifications were held to account; and if he will make a statement on the matter. [33753/05]

Minister for Defence (Mr. O'Dea): My Department has not experienced contracts that over-ran financially as a result of jobs being incorrectly specified.

Planning Issues.

375. Mr. Neville asked the Minister for the Environment, Heritage and Local Government if, in view of the bleak future for fossil-fuel prices, and the high quality of energy-conservation and insulation technologies which are already available, he will to consider a radical upgrade in energy conservation and building regulations to move Ireland to a position where new buildings require almost or entirely no heating. [33465/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 191 of 25 October 2005.

I opened the “passive house” near Wicklow town, on 3 November 2005, which incorporates the following features: solar panels in roof — which will provide 50% of domestic hot water needs; triple glazed windows — sized to take account of north-south orientation; heat recovery ventilation system-recovering heat from warm air leaving house and using it to heat cold air entering the house, and very high levels of internal and external insulation.

The passive house is claimed to require no central heating and to use just 10% of the energy used in a normal house. The performance of this demonstration house will be monitored, over the next two years, by Sustainable Energy Ireland, SEI, and following that consideration will be given to potential changes to the building regulations.

Building Regulations.

374. Mr. Sargent asked the Minister for the Environment, Heritage and Local Government if,
Referendum Commissions.

376. Ms F. O’Malley asked the Minister for the Environment, Heritage and Local Government the cost of the referendum commission on a yearly basis since 2000. [33391/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Six referendum commissions have been established since 2000 under the Referendum Act 1998. The referenda related to the abolition of the death penalty, the International Criminal Court and the Treaty of Nice in 2001; protection of human life in pregnancy and the Treaty of Nice in 2002; and citizenship in 2004. The cost of each commission was met by the sponsoring Department. Details of the costs involved are set out in the published reports of the referendum commissions, copies of which are available in the Oireachtas Library.

Consultancy Contracts.

377. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government if his internal auditors are satisfied with the procurement process used in the purchase of a consultancy service (details supplied); if the process used conforms with the Department of Finance guidelines. [33417/05]

378. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government if value for money has been achieved by his Department in its purchase of a consultancy service (details supplied); and if he will make a statement on the matter. [33426/05]

379. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government if any of his officials have attended as VIP guests at a conference organised by a company (details supplied); the locations, dates and costs involved; and if he will make a statement on the matter. [33435/05]

380. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government his knowledge of a consultancy service (details supplied); the number of officials of his Department who are members of this particular programme; the basis on which the decision was taken to subscribe at this level; and if he will make a statement on the matter. [33444/05]

381. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government the number of competing companies that were considered in his Department’s assessment before a company (details supplied) was granted a programme; and if he will make a statement on the matter. [33453/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 377 to 381, inclusive, together.

Staff in my Department have not participated in the executive programme referred to in the question and have not attended the conference mentioned. The company concerned provides a database of research material relating to ICT and business. My Department pays an annual subscription which allows staff to access and download from the database independent advice on various topics including information technology, e-government, project management and business-ICT related strategies. This information is used in developing strategies, preparation of tenders, selection of technologies and information technology problem solving. It also allows ICT staff in my Department to keep abreast of the latest advances in information technology and is considered to have provided value for money to date.

The contract is fixed price for one year and is reviewed at renewal time each year. My Department is satisfied that the service involved is not readily available by other means, that it represents good value for money and that its procurement has been in accordance with Department of Finance guidelines.

Social and Affordable Housing.

382. Mr. Ó Fearghaíl asked the Minister for the Environment, Heritage and Local Government the amount of funding provided by his Department to Kildare County Council for the purchase of social housing units, under the Part V provision of the Planning and Development Act; and if he will make a statement on the matter. [33459/05]

383. Mr. Ó Fearghaíl asked the Minister for the Environment, Heritage and Local Government the amount of funding provided by his Department to Athy Town Council for the purchase of social housing units under the Part V provision of the Planning and Development Act; and if he will make a statement on the matter. [33460/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Question Nos. 382 and 383 together.

The capital allocations to Kildare County Council and Athy Town Council in 2005 for their housing construction and acquisition programmes includes provision for the acquisition of 63 units
Water and Sewerage Schemes.

384. Mr. Ó Fearghaíl asked the Minister for the Environment, Heritage and Local Government the amount of funding provided to Kildare County Council to support the establishment of group water schemes in the years 1997 to 2005; and if he will make a statement on the matter. [33461/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details are set out in the following table of the amounts allocated to, and drawn down by, Kildare County Council in respect of the group water schemes measure of the devolved rural water programme during the period 1997 to 2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount Allocated</th>
<th>Amount Drawn Down</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>351,546</td>
<td>417,806*</td>
</tr>
<tr>
<td>1998</td>
<td>1,012,837</td>
<td>1,128,164*</td>
</tr>
<tr>
<td>1999</td>
<td>1,160,350</td>
<td>1,294,717*</td>
</tr>
<tr>
<td>2000</td>
<td>735,000</td>
<td>605,314</td>
</tr>
<tr>
<td>2001</td>
<td>1,275,000</td>
<td>1,781,535*</td>
</tr>
<tr>
<td>2002</td>
<td>1,850,000</td>
<td>528,549</td>
</tr>
<tr>
<td>2003</td>
<td>1,250,000</td>
<td>814,019</td>
</tr>
<tr>
<td>2004</td>
<td>950,000</td>
<td>343,667</td>
</tr>
<tr>
<td>2005</td>
<td>1,268,000</td>
<td>500,000 to date</td>
</tr>
</tbody>
</table>

* Excess over allocation funded from savings in other areas.

Rural Renewal Scheme.

386. Mr. Perry asked the Minister for the Environment, Heritage and Local Government the number of applications in counties Sligo and Leitrim that have not yet been inspected with reference to the final inspections on application for the rural renewal upper Shannon tax incentive scheme; if additional personnel have been appointed to deal with the backlog; and if he will make a statement on the matter. [33553/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Some 22 applications are at present awaiting inspection in County Sligo and some 37 in County Leitrim. Inspections by the Department of the Environment, Heritage and Local Government under the rural renewal scheme are continually monitored and, where necessary, steps by way of redeploying inspectors are taken to minimise any delays that may occur.

Road Network.

385. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government if he will make additional funding available to Waterford City Council for remedial works on the Waterford to Tramore road in view of the continuing frequent flooding of same causing closure of the roadway on a regular basis; and if he will make a statement on the matter. [33543/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The maintenance and improvement of non-national roads in Waterford city is a matter for Waterford City Council to be funded from its own resources supplemented by State grants. The initial selection of works to be funded under the various grant categories is also a matter for the council.

The Department of the Environment, Heritage and Local Government’s memorandum on grants for non-national roads indicates that the cost of remedial works on non-national roads, necessitated by flooding, storm damage and other severe weather conditions, must be met from local authorities’ own resources and block grants provided by the Department of the Environment, Heritage and Local Government. Local authorities have been advised that they should set aside contingency sums from these resources to finance such works. In 2005, a block grant of €494,000 and a special block grant for footpath and carriageway restoration works of €623,000 were allocated to Waterford City Council.

Public Service Contracts.

388. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the number of Government awarded contracts from 1995 until 2004 inclusive that over-ran financially as a result of jobs being incorrectly specified; if the people responsible for the incorrect
specifications were held to account; and if he will make a statement on the matter. [33754/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Department of the Environment, Heritage and Local Government has more than 3,700 suppliers of goods and services. Accordingly, it would involve a disproportionate amount of time and work to examine the files relating to all contracts awarded in the period specified to determine the information sought in the question.