

DÁIL ÉIREANN

*Dé Céadaoin, 16 Samhain 2005.
Wednesday, 16 November 2005.*

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

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: Few subjects over the generations have been the target of so much hypocrisy and lip service as the Irish language. I want to ask the Taoiseach a question about this today. While respecting the Taoiseach's improvements in spoken Irish, I will ask the question in English.

In 1924, the then Minister for Education, Deputy Mulcahy, introduced a scheme whereby Irish was to become the spoken language of the people. By 1930 it was obvious that this was going to fail. In 1934 compulsion was introduced for the Irish language. In 1973 the compulsion element was removed so that students might pass the leaving certificate, which was very important. While it is still compulsory for students to study Irish language classes for the leaving certificate, it is not compulsory to sit the examination, however.

The Coimisinéir Teanga in his report estimates that €500 million a year is being spent on teaching the language. He estimates that every child from primary certificate to leaving certificate gets 1,500 hours of tuition in the language. He points out clearly that most young people leave school without any reasonable command of Irish, despite the innovative methods available today.

Department of Education and Science statistics show that fewer young people who learn Irish attempt the honours leaving certificate paper as compared to student performances in any other language. Census 2002 showed that in the vast majority of cases, as soon as students finish the leaving certificate, they leave Irish behind them. In the last census only 70,000 people said they used it on a daily basis. I want to do something about this and it is time that politically we take it by the scruff of the neck and reform the situation from top to bottom.

Does the Taoiseach as Head of Government, honestly believe that the compulsion element to what now exists actually assists in the learning of Irish and puts sufficient emphasis on it as a spoken language? Does it do anything to encourage students who sit in classes from junior certifi-

cate to leaving certificate, to become involved with their native tongue?

The Taoiseach: I appreciate the points the Deputy makes and that he is genuinely trying to do something to promote the Irish language. People have been attempting to do that since the foundation of the State. Concerns have been raised about the spoken language for as long as I can remember and people have been trying to improve the situation by one means or another. In more recent years efforts have been made to get more people involved in the language. This Government, and successive Governments, have resourced these initiatives. We have tried to maintain a separate Department for Irish, train more teachers and put much more resources into the teacher training colleges, to promote the language. We have a language Bill, Bille na Gaeilge, put money into TG4 and more recently we have made resources available for the Gaelscoileanna, the scoileanna lán-Ghaelach, which are promoting the language.

I do not claim to be an expert in the subject, so I am not going to turn myself into one for two minutes. However, the argument is that if any level of compulsion is removed, students not in Gaelscoileanna might take no interest in the language and that the limited amount of Irish among the majority of the population will be further limited. As mentioned by Deputy Kenny, the statistics prove that when compulsory Irish at leaving certificate was removed from the equation, fewer people took the subject and that trend has continued down through the years. I do not know whether the more recent surveys show this, but that was certainly evident some time ago. The danger is that this trend will continue. A great number of people indicate on the census form that they have some facility in Irish. The reality is, however, this too is declining.

I recently saw a programme on the Welsh language and what was being done in Wales to promote it through the schools and television. All such initiatives are necessary. From a Government viewpoint, however, my concern is that if Irish is taken out of the schools the amount of Irish will be even more limited in ten years time. The decision in 1973, as I recall, was made on the basis that perhaps more people would speak Irish, but this was not the experience and that hypothesis did not hold up.

The Deputy asked for my view and I believe that what is happening in the Gaelscoileanna is a good initiative. It is an expensive initiative. Equally, what is happening in the colleges, in St. Patrick's College, Drumcondra, the Marino Institute, Coláiste Mhuire gan Smál, Limerick etc., is a good investment and should be continued. The investment in TG4 and its independence, with the station operating on its own, is also doing a very good job for the language. These are all good initiatives.

Mr. Kenny: I support all that very strongly, but we have to go beyond this. We are now faced with a multicultural society where lectures are being given in Polish, Russian and other languages for workers around the country, as is right and proper. Yet, as regards our native tongue, there is this element at its centre where it is compulsory to study the language, but not to take it in the leaving certificate. I have here the rule book of programmes for secondary schools. There are 34 subjects listed in this official book and the only compulsory subject is Irish. There is no compulsion in Wales for the Welsh language and they have set very modest targets. This House should do for the language what Riverdance has done for Irish dancing. If it is taught properly, using the skill and experience of teachers and the modern innovative methods available in teaching all languages, students will want to study the language at junior certificate because they understand it. They will not be tied down in the details of complicated grammar. Those students can make up their minds whether to join the Defence Forces. They can work and get married at 16, they can own and drive a moped, yet we tell them they must study this language.

I support everything the Taoiseach has said about Irish being an official European language, the great job done by TG4, the *mná tithe* and *Raidió na Gaeltachta*. However, these organisations are in the voluntary sector and do not have the same compulsory aspect. I know an *Teachta Ó Máirtín* has an interest in this. It is not just a question of clinging to a 75 year old sacred cow that will not deliver. This is about looking at 2005 and beyond to the next generation of students, who should be involved in a language that is taught in a vibrant and energetic way. It should not be a subject to which they show resentment. We should offer students that choice beyond the junior certificate and do all of the things mentioned, so that its future is guaranteed as a living, vibrant language.

The Taoiseach: This has been the policy of successive Governments since the foundation of the State. Many policies have changed, but the policy of promoting the Irish language to maximise those who speak it has not changed. The point made by the Deputy is whether we get the best value for the effort and money invested. It is a point for debate and I will not disagree with any of the experts who have examined this. I presume Irish is the only compulsory subject of the 34 mentioned by the Deputy because it is the only subject that is our native language. Many people drop out or do not engage with the other subjects because there is no compulsion to take them. The argument is that if Irish is not compulsory will fewer people study it. It does not apply to families that have a passionate interest in *Gaelscoileanna*. The people that have an interest in doing well in Irish because they like it or are involved in *Cum-*

ann Lúthchleas Gael and dancing groups will always have an interest in Irish, because they are pursuing that interest outside of school. Such people happen to be more proficient in Irish and have a greater love for it. What about everyone else? I cannot answer that question as I do not know. Will everybody else speak less Irish if there is a level of compulsion, or will they bother? There are many good activities, such as the *Gaelscoileanna*, the work of TG4, the efforts of the teacher training colleges and the Irish summer colleges. I certainly agree that the complicated grammar studied in schools does much to put people off the language. If there was more emphasis on spoken language, we would certainly be better off and I would certainly be better at the language.

Mr. Rabbitte: I want to ask the Taoiseach about the breakdown of social partnership and the fact that talks are in abeyance for a new social contract, following events at Irish Ferries and elsewhere. Is he aware that there is as deep a concern in the trade union movement about the Government's failure to meet commitments on taxation as the concern about displacement and Irish Ferries? I refer him to an answer to a question asked by Deputy Burton last week, where she established that there are 160,000 more workers paying tax at the marginal rate now than when this Government started in 2002. The Government made a pledge in 2002 that 80% of people would be paying tax at the standard rate. That was essentially incorporated in *Sustaining Progress*. Although this is the third and last budget under that agreement, the figures have gone back significantly. Some 73% of people were paying at the standard rate in 2002, but now only 67% are paying at the standard rate. This has led to a situation where people on average industrial earnings are paying the 42% rate. Somebody earning €1,900 in excess of the average industrial wage in 2002 only then became liable for the marginal rate. In 2005, workers being paid €1,200 less than the average industrial wage are now liable at 42%.

This is the con at the heart of the tax policy driven by the Progressive Democrats. The cosmetics are put right and the indirect taxes and the stealth taxes are then piled on. The biggest stealth tax of all is the failure to index the standard rate tax band. As a result of the failure to index the standard tax band, people on very modest incomes are liable to pay income tax at the marginal or top rate. That is the con at the heart of the Progressive Democrats mantra about 42% and 20%. That looks great until people look at their actual wage packet. For hundreds of thousands of workers, this is a very serious point. For the trade unions that got this commitment in *Sustaining Progress*, the situation is getting worse and the number of people paying at the top rate is increasing.

The Taoiseach: I hope we can begin the social partnership talks shortly. There are some difficulties which are well known and I have addressed them already. There is an important meeting today at An Post and there are ongoing contacts at Irish Ferries. I hope that both those issues can be resolved and I ask people involved to do their utmost. It will help industrial relations overall in the country, as well as social partnership.

In successive budgets in the last few years, the Government has worked on the tax rates. We have the lowest level of personal taxation in Europe. We have also tried to deal with the biggest problem in Irish tax policy, namely, the tax wedge, so that people on average wages and above would not be drifting into the tax net. I assume Deputy Rabbitte is excluding from his figures the 657,000 people who do not pay any tax at all. He is only referring to those who pay tax. The last budget removed tens of thousands of people from the tax net. As a result of that, 657,000 of the 1.9 million income earners last year were exempt from taxes on their earnings. That represents over 34% of all income earners. This compares with 26% of all earners seven or eight years ago. Since 1997, the average tax rates as a proportion of gross income have fallen in every category.

Mr. F. McGrath: What about bin charges?

The Taoiseach: Every survey carried out by the OECD, the EU and all independent analyses show that this is the position. After the last budget, the average tax rate for a person on the average industrial wage will be 11% lower than it was in 1997. It comes to less than 17%, compared with less than 28% in 1997.

The Deputy makes a point about the number of people who drift back into the higher rate of tax. He made use of figures given in a question last week which I will not dispute. It is the Government's policy to try to move as many as possible of those paying taxes, excluding the 34% I mentioned, onto the lower rate. Last year and the year before, we did not change much in respect of tax bands because of our actions in respect of lower pay. While that exacerbated the situation, this is an issue to which, as the Minister said, we will return.

Mr. Rabbitte: I do not exclude any figures. Let us be clear about this. The Government made the pledge to have 80% of taxpayers paying at the standard rate. This was repeated in Sustaining Progress. Currently, 67% pay at the standard rate, while at the time the Government made the pledge, 73% paid at the standard rate. These are the straightforward figures.

As regards removing people from the net, an additional 37,000 people on the national minimum wage became liable for tax after the Labour Court made its recommendation on that matter.

It is a simple matter of sleight of hand without indexation. It is similar to the fuel allowance, which has not been indexed. The fuel allowance is €9. I am sure Government Deputies receive letters about this from older people in particular, who depend for their heating on €9, especially having regard to the escalation in the price of fuel in recent years.

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

Mr. Rabbitte: In Sustaining Progress, the Taoiseach made a commitment that 80% of taxpayers would go onto the standard rate. The figure is at 67%. There is widespread concern in the trade union movement in that respect. As for disposable income, we do not have the lowest personal taxes in Europe. We have the lowest personal tax rates. That is the difference, because the Government is not taking into account——

Mr. Martin: That is not correct.

Mr. Rabbitte: I will not take lectures from Deputy Martin in respect of figures.

Mr. Martin: I will not take lectures from Deputy Rabbitte.

Mr. Rabbitte: He would not know a figure if——

Mr. D. Ahern: We will not take lessons from Deputy Rabbitte. An increase of only £1.50 for old age pensioners.

Mr. Rabbitte: ——it jumped up and bit him.

An Ceann Comhairle: Deputy Rabbitte without interruption. I again remind Deputy Rabbitte that his time has concluded.

Mr. Rabbitte: If I had anything to do with it, it would not simply be Barry McSweeney that was being moved aside.

Mr. Martin: We will meet Deputy Rabbitte on the hustings.

Mr. Rabbitte: According to the answer given to Deputy Burton last week, the number of people paying at the standard rate is 624,000 while the number of people paying at the higher rate is 666,440. The Taoiseach made a commitment but the situation is regressing. What will he do about it?

Mr. McCormack: Another broken promise.

The Taoiseach: I have already stated that the rates are fixed. Obviously however, there are other issues which were not changed in the last few years and to which we can return. We

[The Taoiseach.]

decided to help the less well-off. We increased the minimum wage and——

Ms Burton: The Government allowed millionaires to pay no tax at all.

The Taoiseach: We made the minimum wage tax-exempt. We took an enormous number of people, 34% of the entire workforce, out of the tax net altogether.

Mr. Stagg: Including Denis O'Brien.

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

The Taoiseach: Single people who faced an enormous tax wedge were taken from the net altogether. I acknowledge that we have not yet reached the target of 80% and we have given the relevant figures.

As for the fuel allowance, we took two good measures for the benefit of pensioners. We substantially increased the amounts they receive and extended the number of weeks during which they are entitled to fuel allowances.

Mr. Allen: They were only increased last week.

The Taoiseach: That was extremely helpful and beneficial. We have taken the elderly from the tax net with the age exemption scheme operated for people over 75. Such people are now exempt from tax up to limits which now stand at €16,500 for single people and €33,000 for married people. This represents a significant increase for people. As for the fuel allowances, we have increased the number of weeks covered. While I know that energy costs have risen we have done much to help such people. As I understand it, on every survey that has been conducted, we are the lowest in respect of tax.

Mr. Sargent: I wish to ask the Taoiseach about the sideways move of Mr. Barry McSweeney, as he was described in the Government's statement, rather than as Dr. Barry McSweeney. Can the Taoiseach explain the newly-created role of chief science adviser, and how the appointee has been moved to another newly-created role, at the same pay, as research co-ordinator in the Department of Communications, Marine and Natural Resources? Is this not almost a carbon copy of the "punishment" meted out to Mr. Michael Kelly, former Secretary General at the Department of Health and Children, when he was moved to the Higher Education Authority?

Many students and scientists who have been in contact with me, and I am sure with other Members, are incandescent with rage given the difference in treatment between themselves, whereby they are obliged to earn their PhDs the hard way, and that given to Mr. Barry McSweeney. The Tánaiste in particular has stated

that a PhD was not a requirement for this position. Can the original job specification and list of required qualifications for the job of chief science adviser to the Government be viewed anywhere? When was the decision taken to have a chief science adviser? Was it before Mr. McSweeney became available and the then EU Commissioner Neil Kinnock had a word with the Tánaiste? Can we expect an Irish person who is beholden to his or her political masters to come clean and tell the Government if it goes wrong? I am unsure whether the Taoiseach is familiar with the work of Dr. David King in the United Kingdom. As its chief scientific adviser, he regularly——

An Ceann Comhairle: Does the Deputy have a question?

Mr. Sargent: ——tells the Prime Minister exactly where he is going wrong, publically and in no uncertain terms. To prevent a recurrence of this problem, can we have an audit of all Government appointee qualifications, given that the Civil Service Commission did not have a role in this particular appointment? Are any other applicants interested in the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey's new post? It would be interesting to find out whether that is the case and whether there will be interviews. Has the Taoiseach learned nothing from this fiasco, which results from poor vetting and no competition? The Government proposes to appoint someone in another highly-paid position, again without a competition. Can the Government state whether anything has been learned from this fiasco?

The Taoiseach: The decision to appoint Barry McSweeney was made by the Government as part of a wider package of measures in the area of science co-ordination and oversight.

Mr. Gormley: It was a massive oversight.

The Taoiseach: These measures were agreed in the summer of 2004. They included the creation of the post of chief science adviser to the Government and the appointment of Barry McSweeney to that post. A number of initiatives were announced such as setting up a Cabinet sub-committee, building on the major resources put into the programme for research in third level institutions, PRTL, and into Science Foundation Ireland. At the time, Neil Kinnock stated that we were "over post" in our A1 posts. Barry McSweeney, who held an MSc from Trinity College, Dublin, apart from the controversial qualification——

Mr. Boyle: An MSc.

The Taoiseach: ——was head of the EU research institute and had 2,500 people under him. He had already been responsible for the

Marie Curie EU fellowship programme for some years in the 1990s.

He set up BioResearch Ireland before that. For all these reasons, he was an eminent person for the post. However, a controversy about a qualification which Mr. McSweeney did not require has damaged the organisation.

Mr. Gormley: He did not have the qualification.

The Taoiseach: In the past year, an examination of the strategic plan for science identified a need to have someone working in the areas of marine and energy.

Mr. Rabbitte: It is a pity we did not have him before we bought the machines.

The Taoiseach: The Department had identified a requirement to fill this position. As Barry McSweeney is moving from his current post, it makes eminent sense to use his considerable expertise in this area.

Mr. Sargent: It is interesting to note the number of questions the Taoiseach did not answer. He did not indicate whether any lessons have been learned or whether an open competition will be held for the post in the Department of Communications, Marine and Natural Resources. The only qualification which makes an impact on Government appears to be the number of people working under a person. I presume, therefore, the Taoiseach is highly qualified in that regard. The issue would make an interesting analysis.

Has the Government learnt no lessons from this fiasco? Will the Taoiseach address the pattern by which the natural outcome of difficulties involving a Minister or Government appointee is to move the individual in question sideways?

Mr. S. Power: The Deputy did the same in his own party.

Mr. Sargent: Is this the best the Taoiseach can do to try to maintain the credibility of the scientific community and the Government? Did the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, offer to take Mr. McSweeney or was he asked to do so? May we analyse the process by which the appointment was made because it is important to know where it starts and finishes given that a great deal of public money as well as Ireland's credibility and that of its scientific community are at stake? How can scientists advising on research in the fields of energy, marine, communications and other technologies have confidence in a person who was effectively removed from a position on the basis of false qualifications? This is an important issue.

The Tánaiste lectures us on competition day in and day out. Where lies her credibility on the

issue of competition when a word from a former leader of the British Labour Party is sufficient to make an appointment? That really takes the biscuit.

Mr. N. Dempsey: The potential coalition is creaking.

Mr. Sargent: If her name was Blunkett, would she still be in office?

The Taoiseach: Neil Kinnock was head of staffing matters in the Commission. Ireland has been competent in having people appointed to the highest positions in the European institutions, as was the case with Mr. Barry McSweeney, a former head of the EU's Joint Research Centre. Not only did he have 2,600 people working under him, he also ran a highly structured organisation with a budget of €340 million. He came from a fellowship programme which he had built into a fine project and set up BioResearch Ireland.

Mr. Gormley: He did not have a doctorate and was not qualified.

The Taoiseach: The Deputy's remarks are not acceptable.

Mr. Sargent: He was found out.

The Taoiseach: I will not listen to Deputy Sargent talk about the credibility of science research. This Government set up Science Foundation Ireland and the PRTLTI and has invested more than €1 billion in that area.

Mr. Boyle: Has the Taoiseach leaned no lessons?

Mr. Sargent: No competition was held for the post.

The Taoiseach: The controversy which has developed about one issue does not detract from the credibility of a senior public official.

Mr. Gormley: The Government appointed the wrong person.

The Taoiseach: When Mr. David O'Sullivan was appointed to one of the most important briefs in trade last week, it was another case of Ireland having an official competent to take up a senior position in Europe.

Mr. Gormley: He is qualified.

The Taoiseach: They are people of the highest quality. If the name of the game is just to dump people on the street because of a bit of controversy, it will be a bad day for this country and one I do not like.

Mr. D. Ahern: The Deputies' behaviour is reprehensible.

The Taoiseach: The reason a person with high qualifications who has become involved in controversy can move into another position is that work already under way had identified the need to have somebody——

Mr. Gormley: That is rubbish.

The Taoiseach: It is not rubbish. What would the Deputy know about science or anything else for that matter?

Mr. Gormley: When was the position identified?

Mr. D. Ahern: God help Ireland if you ever got over here.

The Taoiseach: Those who know this business identified the position and the need for the Department of Communications, Marine and Natural Resources to strengthen its role in relation to research and development in the sectors within its remit, consistent with science policy.

Mr. Gormley: This is waffle and spin.

The Taoiseach: In addition, it was decided that the Department should have somebody who would oversee the drive towards and establishment of a proposed new energy research council, that he or she should set the agenda of the council in accordance with the Department's analysis of the issue and provide analysis and opinion on all major policies in the energy research area.

Ms Enright: The timing was fantastic.

The Taoiseach: When one has somebody good, competent and able to do a job in an area in which he or she will probably work alone and also able to run a budget of €340 million, it is not unusual that he or she would be an eminent person to fill a position. I wish Barry McSweeney well in the post.

Ceisteanna — Questions.

National Security.

1. **Mr. Sargent** asked the Taoiseach if he will report on the recent work of the National Security Committee; and if he will make a statement on the matter. [25210/05]

2. **Mr. J. Higgins** asked the Taoiseach when the National Security Committee last met; and if he will make a statement on the matter. [25357/05]

3. **Mr. Timmins** asked the Taoiseach when the National Security Committee last met; and if he will make a statement on the matter. [25949/05]

4. **Mr. Rabbitte** asked the Taoiseach when the National Security Committee last met; when the next meeting is due; if the group has examined the implications for this country of the London bomb attacks; and if he will make a statement on the matter. [26564/05]

5. **Caoimhghín Ó Caoláin** asked the Taoiseach if the National Security Committee has completed its work; and if he will make a statement on the matter. [27694/05]

6. **Mr. Kenny** asked the Taoiseach if he will report on the recent work of the National Security Committee; and if he will make a statement on the matter. [28681/05]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, together.

The National Security Committee, which is chaired by the Secretary General to the Government, comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs, the Garda Síochána and the Defence Forces. The committee meets as required and will continue to do so. Given the security nature of its work, it is not appropriate to disclose information about the dates of individual meetings. I confirm, however, that it met last month.

Members of the committee liaise on an ongoing basis to monitor developments which might have national security implications, in particular in the international arena. The committee is concerned with ensuring that I and the Government are advised of high level security issues and the responses to them but not involving operational security issues.

Mr. Sargent: Has the Taoiseach had an opportunity to respond to or analyse in detail the comment of a leading Islamic radical, Mr. Anjum Choudhury, in Trinity College last week that Ireland was a target for al-Qaeda due to Shannon Airport's role in the United States's occupation of Iraq? Does he believe it is high time to change policy and address the current lack of inspections of aircraft at Shannon Airport and Casement Aerodrome?

An Ceann Comhairle: As I have pointed out on many occasions, it would be more appropriate to address the Deputy's questions to the relevant line Minister. The Chair has ruled consistently on this matter.

Mr. Sargent: I will not pursue the question. Has the Taoiseach had an opportunity to respond to Mr. Choudhury's comments by ensuring that the National Security Committee instructs the auth-

orities to carry out aircraft inspections? While I appreciate he cannot, for obvious reasons, discuss in detail the activities of the committee, will Mr. Choudhury's comments receive a response? Will the National Security Committee review issues such as proposals to embed microchips containing biometric data in all Irish passports?

An Ceann Comhairle: It is not appropriate to discuss the role of the National Security Committee in detail.

Mr. Sargent: I understand the tender for this project has been put on hold. If we are serious about national security, surely simple matters should be done correctly and we should examine what we can do rather than worrying about what we cannot do. I see no evidence that this is the case. May Deputies ask about inspections of aircraft at Shannon Airport and the tender pertaining to Irish passports?

An Ceann Comhairle: I have ruled that the matters would be more appropriately addressed to the line Minister.

Mr. Sargent: Will the Taoiseach indicate whether a response will be made to Mr. Choudhury's comments or will they be simply dismissed?

The Taoiseach: The committee obviously keeps all potential international threats from extremists under review based on security intelligence. The intelligence services are not aware of any specific threat to Ireland, and they believe that the threat level is relatively low. There is, of course, no room for complacency, and that is what the committee examines. The security services continue to maintain a high level of vigilance in conjunction with their international colleagues. They also continue to monitor the activities of a small number of known Islamic extremists.

Of course, Mr. Choudhury's remarks have been brought to the attention of the Garda. It is true that the general level of threat for all countries has been seen to increase significantly in the aftermath. In that context, a close reading of what he says is taken seriously here. Regarding ongoing checks and threats, questions on that procedure were answered by the Minister for Foreign Affairs, Deputy Dermot Ahern, last week, and by the Minister for Transport, Deputy Cullen, a few weeks ago. The procedures are in place.

Regarding Shannon, since this matter has been brought up several times recently we have once again raised it with the Americans at the highest level and they state that they are doing nothing outside the agreement. If they seek to bring up the issue of prisoners, weaponry or other issues outside the agreement, they say that they will bring it to our attention. They restated that as late as last week.

Mr. Timmins: Following the 11 September 2001 attacks, a task force on emergency planning was established in this country. Is there any cross-over? What is the difference between the National Security Committee and that national task force? Is the Taoiseach aware that in 2003 the Emergency Planning Society, a European organisation, recommended to the Government that there be a single body underpinned by legislation to oversee national emergency planning and security? It is rather confusing and there seem so many groups and bodies that everyone and no one is responsible. For this type of activity, particularly in view of its seriousness and the attacks carried out recently in various countries, it would be better if there were a single body responsible located in the Department of the Taoiseach.

As far as I can see — I may be wrong — no additional funding has been allocated to any of those bodies in the past few years. That indicates that perhaps we are not taking this threat as seriously as we should.

The Taoiseach: The office of emergency planning in the Department of Defence takes an overview. The office was established after the attacks of 11 September 2001. The issues that the Deputy has raised regarding day-to-day threats are real. As he knows from his brief, that office deals not merely with Army issues but with a wide range of issues. The National Security Committee brings together a small group of people from Departments, the Garda Síochána and the Defence Forces. That was established as a high level forum for mutual awareness and consultation on security issues. It provides for the ongoing exchange of information and collective assessment. The nature of the committee's work precludes my describing its proceedings.

On the first part of the Deputy's question about whether there is a tie-in, there is. The Garda Commissioner, the head of the senior sections of the gardaí and the Chief of Staff of the Army are involved in emergency planning and they sit on the committee. However, the National Security Committee examines issues brought to our attention internationally where we believe that there might be deficiencies or where the Commissioner, the Chief of Staff or officials have some concern about co-ordination efforts. It brings together that small group of high level people.

On the Deputy's question as to why the matter is not all brought together with a single high-powered group, that would mean setting up an entire organisation with an administration, staff and resources, and it was considered that would be neither appropriate nor necessary and would be hugely costly. It was thought better and more efficient to put the money into buying a great deal of equipment and protective clothing, with all the other matters dealt with in the defence budget. Resources have been allocated to that.

[The Taoiseach.]

Regarding emergency planning I am aware from the budgetary process of the level of work and expenditure being put into providing and building up precautionary measures and carrying out reconnaissance and preliminary work to determine where there are biological or flooding threats. As a result of the attacks of 11 September 2001 a great deal of that is going on compared with the position three or four years ago.

Mr. Rabbitte: Is there contact between this committee and counterparts in other countries such as the UK and the US? Regarding the implications of the London bombings, there were reports in the aftermath that our Government might be considering identity cards. Is there any truth in that?

Does the committee have any role in the matter of avian influenza? What is the connection between it and the national office of emergency planning?

The Taoiseach: Avian influenza has been dealt with by the Minister for Agriculture and Food, Deputy Coughlan, and the Minister for Health and Children, Deputy Harney. It uses almost the same model as we put in place for the outbreak of foot and mouth disease some years ago, the difference being that there is greater involvement on the part of the Department of Health and Children owing to vaccines and other medical issues. The office of emergency planning is not involved.

To restate the position, the office of emergency planning deals with all issues stemming from the attacks of 11 September 2001, as well as other potential emergencies such as flooding, Sellafield or a climatic disaster. All those issues are being considered afresh owing to all that has happened this year. One hopes that such occurrences will be rare, but one can never be sure. There has been planning because of ongoing issues connected with Sellafield and terrorist attacks. Sellafield is a threat apart from the risk of aeroplanes flying into it. However, there are also security issues, and the office of emergency planning has been working on that, as well as all other potential disasters, examining what kind of equipment we have, planning, Army training and all the other efforts.

The National Security Committee brings together senior people, chaired by the Secretary General of the Department of the Taoiseach, including the Garda. It looks mainly at international intelligence, which is being supplied to a far greater extent than a few years ago. Even a year or two after the attacks of 11 September 2001, there was not a great flow of information, but that has changed.

At European level and internationally, the flow of data into the system regarding various security issues is intense. The group forms a judgment and opinion on how to deal with that. It is no secret

that nowadays there are extremely dangerous people from several groups with very wide networks who regularly move around the world. The committee considers that and based on that information and data it picks up internationally, it feeds back to the office of emergency planning and the Government generally its view on anything that it believes should be taken more seriously. Unfortunately, that is more regular now than it would have been even two years ago.

Mr. Rabbitte: Is the office of emergency planning a co-ordinating committee or is it an office with somebody heading it up and so on?

The Taoiseach: It is an office in the Department of Defence. I am not an expert on this but I have been at briefings of it and it is the case that some of our best and brightest in the military are involved in it. Much of that work involves planning, international planning and so on. Obviously, our military people are keeping abreast of what is happening internationally where there are now significant budgets involved. We all hope none of these incidents happen, many of which we would never have thought of previously, including biological and biochemical attacks. It is not just a question of natural disasters. It is all of the issues which are considered to be possibilities. That is what the office is engaged in.

Caoimhghín Ó Caoláin: Has the National Security Committee addressed the continuing use of Shannon Airport as a staging post for the war in Iraq? Is the Taoiseach aware that only in the past fortnight, US troops have been photographed in uniform, in desert fatigues—

An Ceann Comhairle: Deputy, I have already ruled, when Deputy Sargent raised it, that question is more appropriate to the Minister responsible.

Caoimhghín Ó Caoláin: I am only asking the Taoiseach if he is aware, in the context of the role of the National Security Committee—

An Ceann Comhairle: I appreciate that, Deputy, but in fairness to Deputy Sargent, who accepted the ruling of the Chair, as all Deputies should do, I am asking you to accept my ruling.

Caoimhghín Ó Caoláin: I will have to accept it but the photographic evidence of that presence is here and I have copies which I will be happy to furnish to the Taoiseach.

An Ceann Comhairle: That does not arise on this question and it is not appropriate to display photographs of any kind in the House.

Caoimhghín Ó Caoláin: Citizens using Shannon are very concerned to find that they are—

Mr. D. Ahern: Did Gerry show that when he was on the video link? It would be interesting to know.

Caoimhghín Ó Caoláin: —mingling openly with uniformed members of an army outside of this jurisdiction.

An Ceann Comhairle: I call Deputy Kenny. Deputy Ó Caoláin, I ask you to resume your seat and allow Deputy Kenny contribute.

Caoimhghín Ó Caoláin: I have a further question to ask the Taoiseach and I hope he will address the issue of the National Security Committee addressing the issue of the use of Shannon Airport.

An Ceann Comhairle: Deputy, I am ruling you out of order and I ask you to resume your seat.

Caoimhghín Ó Caoláin: The National Security Committee is part of the question.

An Ceann Comhairle: It is not part of the question, Deputy. The Chair has ruled that the question—

Caoimhghín Ó Caoláin: The Chair may rule but what exactly is the question stating? Has the committee completed its work? Is this issue part of its work? That is a simple question that the Taoiseach—

An Ceann Comhairle: It is not appropriate for the Deputy to go into detail. As the Chair has ruled and as my predecessors have ruled, Deputy Ó Caoláin, it is a matter for the line Minister.

Caoimhghín Ó Caoláin: I will not go into further detail and I will allow the Taoiseach give whatever information he chooses. I want to know if the National Security Committee has addressed the issue of the US war planes using Shannon and the alleged transportation of prisoners on those planes. Has the National Security Committee addressed the express concerns and indeed the demands of human rights organisations that these planes be inspected? It is impossible to get a direct answer from a line Minister, despite the Ceann Comhairle's direction, because neither the Minister for Foreign Affairs—

An Ceann Comhairle: The Deputy should ask questions, not make a speech.

Caoimhghín Ó Caoláin: —nor the Minister for Transport will accept responsibility for the substantive issue of the use of Shannon as a staging post to and from the war in Iraq.

An Ceann Comhairle: Deputy, that matter does not arise on these questions. If you have a question appropriate to these questions, ask it.

Mr. D. Ahern: The next time Gerry is talking to his friends in America will he tell them about this question here?

Caoimhghín Ó Caoláin: The Minister's interruptions will make no difference.

Mr. D. Ahern: I would be interested to know.

Caoimhghín Ó Caoláin: When his Ministers will not take responsibility or give a substantive reply, I ask the Taoiseach, as Head of Government, if he will give a substantive reply. Will he take responsibility and address—

An Ceann Comhairle: Deputy, that does not arise. Questions for a line Minister should be dealt with by the line Minister, not by the Taoiseach.

Caoimhghín Ó Caoláin: —what I can only regard as a shameful chapter in Irish history in regard to our long-cherished position on neutrality? Will the Taoiseach answer please?

The Taoiseach: The Deputy does not want to understand the issue but if you will allow me, a Cheann Comhairle, I will make two points on it. The use of Shannon Airport by US military is a long-standing practice; it has been in place for half a century. The period covers many crises and military confrontations. We have never withdrawn or suspended those facilities at any stage and the Dáil approved that decision in March 2003.

What the Deputy does not understand and what I would like to note is that the multinational force has been acting under UN authorisation to assist the Iraqi authorities and the UN Security Council in Resolution 1546, which was unanimously passed again recently.

Mr. D. Ahern: On 8 November.

Caoimhghín Ó Caoláin: War is clearly continuing.

The Taoiseach: It was unanimously passed by the Security Council. The Deputy is taking a view now, whatever about when it happened, and he should realise what he is doing, that it is at variance with the unanimous view—

Mr. D. Ahern: That of the UN.

Caoimhghín Ó Caoláin: I take the view that Irish citizens are not comfortable with that presence.

An Ceann Comhairle: Deputy Ó Caoláin, I ask you to desist from interrupting. I will ask you to leave the House if you do not allow the Taoiseach answer the question.

The Taoiseach: The Deputy asked if some Minister or I would answer but now he does not want to listen. The Deputy is taking a view that is contrary to that of the entire United Nations, as unanimously agreed. Whatever about the argument at the time, it does not hold up now.

Caoimhghín Ó Caoláin: My argument holds up.

The Taoiseach: It does not.

Caoimhghín Ó Caoláin: Even if I am in the minority.

The Taoiseach: If you are a world minority. You are not only a minority here.

An Ceann Comhairle: I call Deputy Kenny.

Mr. D. Ahern: Does Deputy Ó Caoláin condone Deputy Ó Snodaigh's remark?

A Deputy: Answer that one.

Mr. Kenny: First, I ask the Taoiseach to respond to a matter raised by Deputies Gay Mitchell and Billy Timmins on a number of occasions. This country does not have the capacity to deter a terrorist attack from the air. I thank the Minister, Deputy Ahern, but I think the Taoiseach knows the answer. What is the position if the Government and the security forces are made aware that a plane has been hijacked by terrorists somewhere in Europe and is on its way to attack Dublin, as was pointed out by the head of the Scotland Yard Metropolitan Police, Sir Ian Blair, recently when he said that Dublin is as much a likely target for a terrorist attack as any other major city? What would happen in those circumstances or has the security committee and the Government considered such a scenario? Would the RAF have to be called in from either Northern Ireland or Britain to intercept a hijacked aircraft? What are the contingency plans for such an event?

Second, after the London bombings it was obvious that the fire brigade was critical to the response to that terrorist attack. Its members were able to launch rescue operations and tend to the wounded very quickly and there appeared to be a clear strategy of co-ordination between the fire brigade systems in the greater London area. In the event of something like that happening in Dublin, will there be co-ordination between Meath, Kildare, Carlow and Wicklow from a fire brigade perspective to get into the city? Is there a co-ordinated plan of action for dealing with such an event? Have those services carried out simulated emergency exercises on that basis? Should that not be central to this process when we consider, for instance, that as a result of a power failure in Wexford two weeks ago we could have had a serious emergency on our hands with people on trolleys in hospitals and so on? If a major emergency had arisen in

Wexford that week, God forbid, what would have happened? Has the security committee considered those issues in the unlikely event that they will happen?

The Taoiseach: On the first question, there is co-operation and a pre-agreed understanding on those matters, and as Leader of the Opposition I can bring Deputy Kenny through that at some stage. On the second matter, as part of the national emergency plan the fire brigade, Civil Defence and all other areas have detailed arrangements in place, not only for all the surrounding counties but even for Belfast, and *vice versa*. All this is worked out through all the facilities. Such co-operation was always in place but has been strengthened in recent years. There is a closely co-ordinated plan involving all the State services, of which the fire brigade service plays a key part. Whatever units are needed can be enlisted and there is an understanding with our colleagues in Northern Ireland and *vice versa*. Co-operation in this regard took place recently when some of our Northern colleagues assisted with a Border incident.

I will get back to the Deputy on the first matter.

Cabinet Sub-Committee Meetings.

7. **Mr. J. Higgins** asked the Taoiseach when the Cabinet sub-committee on Aer Lingus last met. [25350/05]

8. **Mr. Rabbitte** asked the Taoiseach when the Cabinet sub-committee on Aer Lingus last met; when the next meeting is due; and the total number of meetings held to date. [26565/05]

9. **Caoimhghín Ó Caoláin** asked the Taoiseach the membership of the Cabinet sub-committee on Aer Lingus; when it last met; and when it is due to meet next. [27695/05]

10. **Mr. Kenny** asked the Taoiseach the number of occasions on which the Cabinet sub-committee on Aer Lingus has met. [28682/05]

11. **Mr. Sargent** asked the Taoiseach when the Cabinet sub-committee on Aer Lingus last met; and when it is next due to meet. [30211/05]

The Taoiseach: I propose to take Questions Nos. 7 to 11, inclusive, together.

The sub-committee met on a total of three occasions, the last of which was 9 December 2004. There are no arrangements for it to meet again as its work is completed.

Mr. Rabbitte: There has been no announcement on this matter since the decision last May to sell the company. As Head of Government, does the Taoiseach agree with the Leader of the Seanad, who said she does not anticipate any-

thing will happen on this until after the general election?

An Ceann Comhairle: Detailed questions are a matter for the Minister for Transport. That ruling has been applied consistently by my predecessors and me.

Mr. Rabbitte: I am not asking a detailed question, I am asking whether the Taoiseach agrees with the Leader of the Seanad—

An Ceann Comhairle: The Deputy's question is more appropriate to the Minister for Transport.

Mr. Rabbitte: I do not want to know whether the Minister for Transport agrees with the Leader of the Seanad.

An Ceann Comhairle: Unfortunately, Standing Order 33 is specific in that the Taoiseach is only responsible for questions relevant to his Department.

Mr. Rabbitte: I am asking exactly that. As Head of Government, I ask the Taoiseach whether he concurs with the view of the Leader of the Seanad. I do not want to know what the Minister for Transport—

An Ceann Comhairle: That issue does not arise on these questions.

Mr. Rabbitte: Why not?

An Ceann Comhairle: If Deputy Rabbitte wants me to read Standing Order 33, I will be happy to do so. If he reads it he will see it is clear on this matter.

Mr. Rabbitte: I ask the Chair to read the Standing Order.

An Ceann Comhairle: Standing Order 33 states: "Questions addressed to a member of the Government must relate to public affairs connected with his or her Department, or to matters of administration for which he or she is officially responsible (including bodies under the aegis of his or her Department in respect of Government policy)." It is clear and specific. The Chair may at times have allowed the Deputy to go beyond that, but the Chair must apply the Standing Order.

Mr. Rabbitte: The Leader of the Seanad addressed this subject in a radio interview.

An Ceann Comhairle: I ask the Deputy not to pursue this.

Mr. Rabbitte: Does the Leader of the Government agree with the opinion that nothing will happen on Aer Lingus until after the general election? I am not asking the Minister for Trans-

port, I do not want to know his view, I want to know the Taoiseach's view.

An Ceann Comhairle: Issues relating to Aer Lingus are a matter for the Minister for Transport. The question does not arise out of these questions.

Mr. Rabbitte: It is absolutely at the heart of the issue whether the Leader of Government endorses that view.

An Ceann Comhairle: It may well be but the Deputy must find another way of discovering this.

Mr. Stagg: Did the Chair quote Standing Order 33?

An Ceann Comhairle: I will not get into a debate on this. I have read the Standing Order.

Mr. Stagg: I do not ask for a debate.

An Ceann Comhairle: We will not have a debate on the Standing Order. I quoted it for the benefit of the House.

Mr. Stagg: I do not understand how you can interpret Deputy Rabbitte's supplementary question in such a way, other than to draw a negative conclusion about your intentions in the matter.

An Ceann Comhairle: The Chair has ruled on the matter and I ask the Deputy to accept that ruling.

Mr. Stagg: I do not accept the ruling, it is wrong.

An Ceann Comhairle: I ask the Deputy to resume his seat and if he does not, he must leave the House.

Mr. Stagg: The Chair's rulings have been wrong regularly. He has made some strange rulings.

An Ceann Comhairle: The Deputy must resume his seat or leave the House.

Mr. Stagg: In regard to the issue raised—

An Ceann Comhairle: The Deputy should not go too far down this road or he must leave the House. I ask him to resume this seat.

Mr. Stagg: How can we address this matter?

An Ceann Comhairle: If the Deputy calls to the Office of the Ceann Comhairle, I will be delighted to discuss this matter with him.

Mr. Stagg: When can I do that?

Caoimhghín Ó Caoláin: Has the Cabinet subcommittee on Aer Lingus addressed the substantive issue raised by Aer Lingus pensioners and

[Caoimhghín Ó Caoláin.]

those currently in service that their pensions would not maintain their value——

An Ceann Comhairle: This issue does not arise. The discussions of the Cabinet sub-committee are confidential.

Caoimhghín Ó Caoláin: I wish only to establish whether the sub-committee has addressed this issue. It is one of major concern not only to the existing but the former workforce of Aer Lingus and the wider community, particularly given that SIPTU has pointed out that an actuarial evaluation——

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

Caoimhghín Ó Caoláin: I ask the Taoiseach, in line with my question, whether this issue has been addressed. Surely that is not inappropriate.

An Ceann Comhairle: As the Deputy knows, matters discussed at a Cabinet sub-committee are confidential.

Caoimhghín Ó Caoláin: The Taoiseach can only confirm or deny whether it has been addressed. Will he give a simple “Yes” or “No” answer?

An Ceann Comhairle: It is not appropriate for Deputies to frustrate Standing Orders every day. There may be another way to get answers to these questions, which include specific queries about dates and so on.

Caoimhghín Ó Caoláin: Against the backdrop of the actuarial evaluation of the Irish airline superannuation scheme, can the Taoiseach offer any solace or guarantees to the pensioners——

An Ceann Comhairle: This issue does not arise. I ask the Deputy to resume his seat.

Caoimhghín Ó Caoláin: ——who have been in service with the national airline? Will the Taoiseach give a “Yes” or “No” answer?

Mr. Rabbitte: On a point of order, the Standing Order which the Chair read concerns members of Government. There is, however, a separate Standing Order for the Taoiseach. Standing Order 36 states:

Questions addressed to the Taoiseach may be asked only on Tuesdays and Wednesdays and shall be placed on the Order Paper before Questions to other members of the Government to be asked on the same day. The time allowed for the Taoiseach’s Questions shall not exceed forty-five minutes each day. Any Question to the Taoiseach which appears on Tuesday’s Order Paper and which is not disposed of shall be placed on the Order Paper for the

following day before Questions to the Taoiseach to be asked on that day, save that a Question to be taken by the Taoiseach may be placed before Questions to be taken by a Minister of State at his or her Department.

I see nothing in that Standing Order that restricts me in asking the Taoiseach whether he endorses a statement by a Cabinet colleague or another prominent member of his party.

An Ceann Comhairle: I absolutely agree with the Deputy, there is no such restriction in that Standing Order because it deals only with times. Standing Order 33, which I read to the House, is the appropriate Standing Order. As the Deputy well knows, if the Taoiseach were to answer detailed questions for another Minister, there would be no need for any Minister to come into the House. The Chair has ruled on Standing Order 33 and I ask the Deputy to accept the ruling. If he has a problem with it, he should accompany Deputy Stagg when he comes to discuss Standing Orders with me.

Mr. Rabbitte: Standing Order 33 relates to members of Government, it does not refer to the Head of Government and I did not ask a detailed question.

An Ceann Comhairle: The Taoiseach is a member of Government. We will not have a debate on this.

Mr. Rabbitte: I did not ask a detailed question, I asked a general policy question.

Caoimhghín Ó Caoláin: I asked a question of the Taoiseach, to which his silence will give no comfort——

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

Caoimhghín Ó Caoláin: Will the Chair allow the Taoiseach to reply?

An Ceann Comhairle: I am calling Deputy Kenny.

Caoimhghín Ó Caoláin: Will the Taoiseach take the opportunity to reply?

An Ceann Comhairle: I suggest the Deputy should submit the question to the line Minister.

Mr. Morgan: Standing Orders frustrate Deputies far more than Deputies frustrate Standing Orders.

Mr. Kenny: In view of the restriction of the Chair’s ruling, a great deal of imagination is required to ask a question to which one might get a reply. It might be appropriate for the Government Whip to allow time for a discussion or series of statements on Aer Lingus. These, along with

the consequences of the ending of negotiations of the EU-US open skies policy, could be discussed by the Cabinet sub-committee on Aer Lingus.

Will the Taoiseach bring to the attention of the sub-committee the issue of the comment made by the company's chief executive officer that any sale of a share in Aer Lingus would have to take place in 2006?

An Ceann Comhairle: Again that does not arise.

Mr. Kenny: I am not asking was it discussed. I am asking will the Taoiseach bring this to the attention of the sub-committee. Will he also raise the matter of the pension deficit which exists at Aer Lingus with the sub-committee? This is a serious problem for the company and its employees.

An Ceann Comhairle: Again it is not up for discussion.

Mr. Kenny: Having got around the Standing Order restriction by the Ceann Comhairle, the Taoiseach must realise these are two important matters to which he must respond.

The Taoiseach: The sub-committee's work was to resolve the issues at the beginning of the year about the future finances of Aer Lingus. That work has been completed and the sub-committee no longer exists. In its work, the financing of pensions issue arose. However, this is a matter between the Minister for Finance and the Minister for Transport. There is a deficiency in the pension fund but it is being dealt with at ministerial level.

There are already parliamentary questions for the Minister on the recent decision made on Shannon Airport. When we were completing our work, the Government's decision was that there was a requirement for the company to get equity, which is Government policy.

Mr. Sargent: Is there a prospect of this sub-committee coming out of retirement or is it in abeyance? In the event of a full business plan being developed by Aer Lingus, the Government may need to re-form the sub-committee. As the peak in oil prices continues to bite, the need may arise for the Government to address its overall aviation policy. Will the sub-committee have a role in such a situation, aside from the pension issue at Aer Lingus and so forth? Is there not a case for having the sub-committee on notice that it may need to be recalled, given the issues that are likely to unfold?

The Taoiseach: There are some standing Cabinet sub-committees. Others are formed when an issue arises that requires cross-departmental involvement with several Ministers and which can take up a considerable amount of time. A Cabinet sub-committee is also established to

address an issue that does not directly involve all Ministers. In this case, there was an issue surrounding the future of Aer Lingus. As part of the deliberative process, a Cabinet sub-committee was established. The Minister for Transport commissioned a report by Goldman Sachs on the options for the future of Aer Lingus. The Minister considered other aviation issues that he wished to bring to a conclusion. This is what the sub-committee worked on and it completed its work in May. Unless some other issue emerges, the process is back with the Minister.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Ms Lynch: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for the Environment, Heritage and Local Government to address concerns expressed by members of Cork city fire service about flaws in the new CAMP mobilisation system due to lack of geographical knowledge by the mobilisation centre, and if he recognises the serious threat to public safety this is causing given the series of recent incidents that are attributable to the new system.

Ms B. Moynihan-Cronin: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the underfunding and under-resourcing of Kerry General Hospital, the dispute by general practitioners outside the hospital this week, the threatened resignation of the accident and emergency consultant at the hospital, the difficulties in cardiology services in the county and the consequences of this for the people of County Kerry.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need to remove the funding cap on rape crisis centres since 2002 particularly in view of the increase of more than 50% in calls to these centres across the country following the publication of the Ferns Report.

Mr. Morgan: I seek the adjournment of the Dáil under one of those frustrating Standing Orders, in this case No. 31, to debate the following urgent matter: the necessity for the Minister for Enterprise, Trade and Employment to make a statement regarding the actions of a company, Doyle Concrete, in Rathangan which is attempting to bully its workers into accepting intolerable terms and conditions of employment in an effort to replace the current workers with lower paid migrant labour; the fact that workers at the plant have been on strike since 5 October and the rejection by this company of Labour Court recommendations in respect of the matter.

Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the ongoing protest outside the gates of Leinster House by Marie-Therese O'Loughlin and the immediate need for the Morning Star Mother and Baby Home, North Brunswick Street, Dublin, to be included in the Schedule of the Residential Institutions Redress Board Scheme and for a further review of institutions where abuse occurred and which should also be included in the Schedule.

Mr. Costello: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the serious situation arising from the third gangland murder in Dublin within 24 hours, bringing to 19 the number of such murders so far this year, the steps the Taoiseach and the Minister for Justice, Equality and Law Reform intend to take to prevent further loss of life and to ensure that the gangs are put out of business, and if any additional resources have been allocated to the Garda for this purpose.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: why only two ambulances are on call for the entire County Mayo area at night, the third largest county in Ireland with a population of 120,000, and why a young girl had to spend four days on a trolley with severe abdominal pain together with 11 others owing to the failure of this Government to provide adequate resources to the Health Service Executive western region for ambulances, staff and beds.

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. 10a, motion re ministerial rota for parliamentary questions; and No. 18, statements on housing. It is proposed, notwithstanding anything in Standing Orders, that No. 10a shall be decided without debate, the proceedings on No. 18 shall, if not previously concluded, be brought to a conclusion at 7 p.m. and the following arrangements shall apply: the statements of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statements of each other Member called upon shall not exceed ten minutes in each case; Members may share time; and 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 reform of the Competition Act 2002, resumed, to conclude at 8.30 p.m.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with No. 10a agreed? Agreed. Is the proposal for dealing with No. 18 agreed? Agreed.

Mr. Kenny: When does the Government propose to bring forward its views on Dáil reform, an issue we have discussed before? I realise the Government Chief Whip has a number of options but when are we likely to see and discuss them? I welcome the statements on housing today, but is it still the belief of the Government that the ten outstanding Bills will be published before the end of the session? Following the inflammatory remarks made by an Islamic radical, Mr. Anjem Choudary, the Minister for Justice, Equality and Law Reform ordered a review of legislation dealing with the legal options to ensure that persons cannot abuse the hospitality given to them in this country in such an unacceptable way. Has the review commenced and when is it likely to be completed? Will legislative change be required to give effect to the Minister's correct views on the matter?

The Taoiseach: With regard to the first issue of reform, I mentioned yesterday that the Government Chief Whip, the Minister of State at the Department of the Taoiseach, Deputy Kitt, is moving ahead within Dáil committees, using access where people can give their views on the Internet. There are other issues which he would like to pursue with Opposition Whips if they are ready to do so, and to seek agreement. I am not sure if that will be possible.

Mr. Stagg: There is a roadblock on the issue.

Mr. D. Ahern: The Deputy put the roadblock down.

Mr. Durkan: There is a guillotine.

The Taoiseach: The only worthwhile reforms that have come in are ones which I have brought in myself. Nobody else is interested. That is not changing.

Mr. D. Ahern: Hold on a second.

The Taoiseach: Perhaps the Deputy brought in some reforms also.

Mr. Durkan: The Taoiseach should not ask the Deputy beside him about that.

The Taoiseach: The ten Bills will be published by the end of January. The third issue mentioned by Deputy Kenny is being actively examined. People who are allowed into the country and given the courtesies of the State must comply with certain issues. Whether it will require legislation or regulation, the issue is being actively pursued.

Mr. Rabbitte: Did the Taoiseach listen to the Minister of State at the Department of Transport, Deputy Callely, on local radio this morning? He came on the site of the latest gangland killing and explained how shocked and horrified he was, advising all his neighbours to lock up, stating that it was not safe on the streets anymore.

Mr. Callely: I did not say that.

Mr. Rabbitte: Is this the general view of the Government? Is the legislation which was promised to put protection of witnesses on a statutory basis forthcoming? When will the legislation be brought before the House?

The Taoiseach: The legislation is not listed.

Mr. Rabbitte: This is legislation to deal with the witness protection system. The Minister for Justice, Equality and Law Reform, Deputy McDowell, on one of his many appearances pledged he would put such a system on a statutory basis.

The Taoiseach: As of now the legislation is not listed. Perhaps a question to the Minister would be appropriate.

Mr. Sargent: Is the Taoiseach willing to accede to the request made earlier for a debate on Aer Lingus, given that the related Oireachtas committee has been stood down? We should take an overview of the current position of Aer Lingus and the company's development.

With regard to promised legislation, does the Taoiseach still wish to pursue the Tribunals of Inquiry Bill, given that he has acted unilaterally and essentially made a deal with the legal professions? Perhaps the Bill is not required as arrangements have already been made. Given there may be an opportunity, will the Taoiseach examine again the Criminal Justice (Terrorist Offences) Act 2005, which is approximately nine months old? From the Information Commissioner's perspective, it contains disproportionate measures to what would be needed, given the perceived threat against Ireland. Has any time been set aside to review the legislation, and does the Tribunals of Inquiry Bill need to proceed? It has been with us for three sessions.

The Taoiseach: The second piece of legislation referred to by the Deputy has been enacted as the Criminal Justice (Terrorist Offences) Act 2005.

Mr. Sargent: It is nine months old. I am asking for a review.

The Taoiseach: The Tribunals of Inquiry Bill is due to be enacted this session. The questions to the Department of Transport will be next week and there will be an opportunity to discuss the Aer Lingus issue.

Mr. Durkan: There are references to implementing commitments in the programme for Government and updating legislation in line with proposals of delivering better Government. As the latter is unlikely, what is the status of the Minerals Development Bill? I also inquire about the legislation to restructure Bord Gáis Éireann with particular reference to the submission made to the Joint Committee on Communications, Marine and Natural Resources yesterday by people from Mayo and the general north-west area on the need to benefit from the infrastructure in their area.

As the electricity charges paid by the industrial sector in this country are the highest in Europe and are causing serious cost problems, when is the proposed electricity Bill, which may give an indication of the Government's sincerity, likely to be introduced? Oil prices internationally are on a downward spiral, so when will the national oil reserves agency Bill be introduced? We could have a debate on various contributing factors and how best to use the resources to our advantage.

The Taoiseach: The Minerals Development Bill is to be published in 2006. The Bord Gáis Éireann Bill, which has 50 heads to restructure Bord Gáis Éireann, is being worked on currently. I hope to publish the Bill in 2006. The 172 heads of the electricity Bill, which has heads to convert the ESB into a plc under the Companies Act and consolidate existing electricity, have been approved by Government. A number of the heads approved are being revised for technical and administrative reasons. The Bill is due in the middle of next year. The heads of the national oil reserves agency Bill have been approved and the Bill is due early in the new year.

Mr. Durkan: Will the Bill be brought forward as the relevant Minister has extra scientific staff in his Department? There may be a possibility to speed the process up.

Mr. Costello: Due to the spiralling nature of violent gangland crime and the fact the Garda appears to know everything about the gangs and their feuds but are unable to collect hard evidence, prosecute and convict—

An Ceann Comhairle: Does the Deputy have a question on legislation?

Mr. Costello: My question is in the context of the Criminal Justice Bill 2004, which has been in gestation since 2002, the year this Government came to power, and which was published 18 months ago. The Minister for Justice, Equality and Law Reform promised an amendment, one of many which will no doubt lead to a doubling in the size of the Bill. The amendment, which would criminalise membership of a gang, has not yet arrived. When will this amendment be tabled, as

[Mr. Costello.]

the Minister does not appear to have any other views on dealing with the matter?

The Taoiseach: The Criminal Justice Bill 2004 is due in this session. I do not know if the amendment is contained in it.

Mr. Deenihan: The report of the national task force on obesity was launched a month ago. At the launch, the Taoiseach took personal responsibility to implement various recommendations. Will the Taoiseach update the House on the current state of the recommendations? Is it possible to have a debate on this important report?

An Ceann Comhairle: The Deputy should address the first question directly to the relevant Minister. The Taoiseach may answer the second question.

The Taoiseach: I do not know if a debate is promised. It would not be a bad report for the House to debate. The recommendations have gone to several Ministries, although they are mainly procedural issues rather than legislative. We could do worse than debate it.

Mr. Deenihan: The Taoiseach has taken personal responsibility for the implementation.

The Taoiseach: It must be implemented across numerous Departments. It has already been implemented in Departments such as Health and Children and Education and Science. With regard to a debate to follow up on it, if the House had time this would not be a bad report to debate.

Mr. Sherlock: When will the health and nursing home amendment Bill be brought before the House to clarify and standardise the application of the nursing home subvention scheme?

The Taoiseach: It is hoped to have the Bill published by Christmas and taken in the spring session.

Dr. Cowley: With regard to impending legislation, a report on the future of rural Ireland was published by NUI Maynooth today. The national spatial strategy and national development plan show bias towards the east coast and the south, which this report confirms.

An Ceann Comhairle: To what legislation is the Deputy referring?

Dr. Cowley: Is there legislation to ensure that we in the west can have a future? These reports are not being implemented. Will the Government include something in the Estimates to make up for the shortfall in funding for the west as identified in the Indecon report, the mid-term review of the national development plan?

Mr. Timmins: On the same issue, it is important that the House would have an opportunity to debate the issue of Government funding.

An Ceann Comhairle: The Chair has ruled many times that it is only appropriate to raise debates in the House that are promised.

Mr. Timmins: A report shows that the mid-east region has been under funded compared to other areas.

An Ceann Comhairle: Deputy Timmins should resume his seat.

Mr. Timmins: Funding allocated *per capita* has decreased from 81% to 70% of the national average since 1996. It is important that we have a debate on the issue so that we can establish exactly what the situation is.

An Ceann Comhairle: Since the establishment of the State, the Chair has ruled——

Mr. Timmins: We in the mid-east are being hit in terms of population but are getting very little funding.

An Ceann Comhairle:——that a Deputy can only ask about promised debates.

Mr. Timmins: The Taoiseach might promise one now.

Mr. Durkan: The Government promises virtually everything.

An Ceann Comhairle: If each Deputy were to ask for a debate he or she would like, all Deputies on each side of the House would be up every morning asking.

Mr. Stagg: Would that not be dreadful?

Mr. Timmins: Perhaps we should call for a——

An Ceann Comhairle: We would not get any business done.

The Taoiseach: Transport 21 and the national development plan will continue to be rolled out.

Dr. Cowley: A total under funding of €200 million in public transport in the Border, midlands and west region.

Mr. Timmins: The Taoiseach should keep his eye out for a report.

Mr. Durkan: Regarding the traffic jam in the city——

The Taoiseach: We built a separate highway for Deputy Timmins to get home. It is an excellent roadway.

Mr. D. Ahern: Deputy Durkan will probably claim credit for it.

An Ceann Comhairle: Allow Deputy Crawford, who has been waiting patiently, to speak.

Mr. Stagg: On a point of order, standard procedure for the Taoiseach's predecessors in such matters was to say it was a matter for the Whips, who would then discuss it and through which we might have got a promise from the Government. We would then be promised——

An Ceann Comhairle: When I made that comment one morning, the Deputy objected.

Mr. Stagg: That was when the Ceann Comhairle was kicking the matter to touch.

An Ceann Comhairle: It shows that I listen to the Deputy. Deputy Crawford without interruption.

Mr. Crawford: I wish to raise three issues that are relevant to the Order of Business. When will the judicial council Bill come before the House? In light of the ongoing problems experienced by people here affected by immigration laws, when will the immigration and residency Bill be discussed so that there can be changes to make these people's lives reasonable? In light of the headlines in today's *The Irish Times* relating to how we will only have 10,000 full-time farmers in a number of years, would the Taoiseach accept that there is now a need to update the land and conveyancing Bill, as much land will have to be sorted out?

The Taoiseach: On the judicial council Bill to provide effective remedies for complaints about judicial misbehaviour, including lay participation in investigations into complaints, draft heads are being prepared in the Department to take into account work done by the constitutional review group, the Oireachtas Joint Committee on the Constitution and the Chief Justice's committee on judicial ethics. On the land and conveyancing Bill, the heads of the Bill are expected late in 2005 to give effect to recommendations of the Law Reform Commission. On the immigration and residency Bill, there are 70 heads and work is ongoing. The Bill is due next year but it is a large Bill.

Mr. Crawford: Can proposals be made?

The Taoiseach: Yes.

Ms O'Sullivan: Given that both Mr. Barry McSweeney and the Minister for Enterprise, Trade and Employment, Deputy Martin, have dropped Mr. McSweeney's title of "Dr." and that there are a number of bogus universities other than Pacific Western University that advertise on

the Internet, are there any plans to amend the legislation that established the National Qualifications Authority in order to have a watchdog to ensure that these types of bogus universities cannot pretend they are genuine?

The Taoiseach: No legislation is listed.

Ms O'Sullivan: Would the Taoiseach agree it is necessary?

The Taoiseach: The Deputy should pursue it with the Minister in question form.

Mr. Hayes: Since people are having difficulties trying to get planning permission from local authorities, particularly for energy efficient housing that we all believe is badly needed, are any guidelines, regulations or legislation promised to get local authorities to change the guidelines they send out and that were published by the Minister for the Environment, Heritage and Local Government, Deputy Roche, in 2004?

The Taoiseach: No legislation is promised.

Mr. Hayes: Are any guidelines forthcoming?

An Ceann Comhairle: I suggest that the Deputy submits a question to the Minister for the Environment, Heritage and Local Government.

Mr. Hayes: The Taoiseach decides when it is due. He wants to reply.

Mr. Durkan: The Taoiseach is going to reply.

An Ceann Comhairle: The Taoiseach cannot be out of order any more than the Deputy.

Mr. Durkan: He has the answer but he will not give it.

Ms Burton: In the context of the publication of the Estimates tomorrow, will the normal courtesy of making a copy of them available to Opposition spokespersons on finance approximately an hour before the publication and Government press conference prevail? Will the Taoiseach speak with the Minister for Finance, who seems unclear as to whether he is willing to give the Opposition a copy of the Estimates? Will the Taoiseach agree to a debate on the Estimates as soon as possible after their publication?

The Taoiseach: I will raise the issue of circulation with the Minister for Finance and the Opposition's finance spokespersons. It is a matter for the——

Ms Burton: I am told by officials——

An Ceann Comhairle: The Deputy should allow the Deputy to respond.

Ms Burton: It is important to us that the Opposition has sight of the Estimates so that we can examine them.

An Ceann Comhairle: The Taoiseach answered the Deputy's first question and was about to answer her second when she interrupted. I ask the Deputy to resume her seat and allow the Taoiseach to answer her second question.

Ms Burton: I apologise.

The Taoiseach: I will raise the first matter. On the second issue of the House wishing a debate, it usually does.

Ms Burton: I wish to make another point.

An Ceann Comhairle: The Deputy cannot make a point at this stage. The Taoiseach answered her questions.

Ms Burton: The officials in the Department of Finance believe this is a personal matter for the Minister. He has not made up his mind yet.

An Ceann Comhairle: If Deputy Broughan's colleague does not allow him to speak, we will move to the next business and he will be first tomorrow.

The Taoiseach: I will raise the matter with the Minister.

Mr. Broughan: We have heard many strong comments from the Taoiseach concerning Irish Ferries workers. Did he get a chance to read the Labour Party mercantile marine avoidance of flags of convenience Bill?

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

Mr. Durkan: It is promised legislation.

Mr. Broughan: Does the Taoiseach believe the Government could take it over and have it passed quickly? Regarding the single market for electricity, which will take effect just after his Government has left office in the middle of 2007—

Mr. Costello: Hear, hear.

Mr. Broughan: —will it require legislation? Relating to the Taoiseach's reply yesterday when he told me that he did not know anything about the inland fisheries report, his very efficient Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, announced it on the 9 o'clock news.

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

Mr. Durkan: It does.

Mr. Broughan: It is extraordinary how the Taoiseach did not seem to be aware of this report, a major reformation of inland fisheries structures, when Deputy Gallagher suddenly announced it. What is happening?

The Taoiseach: It is published now.

Mr. Durkan: That was a major piece of information.

The Taoiseach: There is an electricity Bill. I am not sure if it is exactly the same one but there is one listed.

Ministerial Rota for Parliamentary Questions: Motion.

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

That, notwithstanding anything in the Resolution of the Dáil of 6 June 2002 setting out the rota in which questions to members of the Government are to be asked, questions for oral answer, following those next set down to the Minister for Health and Children, shall be set down to Ministers in the following temporary sequence:

Minister for Justice, Equality and Law Reform

Minister for Transport

whereupon the sequence established by the Resolution of 6 June 2002 shall continue with questions to the Minister for the Environment, Heritage and Local Government.

Question put and agreed to.

Housing Policy: Statements.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I welcome the opportunity for this debate on housing issues. Housing is as important to the modern dynamic Ireland at the beginning of the 21st century as it was to our newly established State with its burden of urban slums and rural deprivation in the early years of the last century. It has always been a central plank in Fianna Fáil policy and is also central to my Department's mission.

Good quality housing comes from good housing policy and good quality housing supports social stability, promotes social inclusion, is fundamental for family life, is critically important in providing shelter and security for older people and is a key element of social capital. Good housing is the bedrock of good communities. A home is more than four walls; it is a place of shelter and comfort where people can grow and develop and make the most of life's opportunities, a haven where we overcome life's traumas and savour its triumphs.

Given our high rate of home ownership, it is clear that the people view having a home as an important stake in the community and in determining civic values. Apart from the social dimension, good quality housing is also fundamental to our economic progress. Housing as an important element of our national infrastructure has a key role to play in maintaining our competitiveness. It is even a factor, for example, in inward investment decisions as a quality of life indicator. For all these reasons and many more, we must provide housing in Ireland that is of a quality and value fully comparable with the best in the developed world.

In progressing Ireland's development since taking office in 1997, the Government has paid particular attention to housing. Taking 1996 as the point of reference, the country's population has grown by an unprecedented 8%. The response in housing supply has been even more dramatic. Over the past ten years 500,000 houses, almost one third of Ireland's housing stock, have been built. Any objective commentator would regard this as a remarkable level of achievement.

I wish to give the House a brief outline of the other achievements. The supply of housing has been transformed since 1997. Last year almost 77,000 units were completed, double the level achieved in 1997. Our rate of house building at 19 units per 1,000 of the population is almost four times the western European average. Housing supply in the greater Dublin area which averaged about 9,000 or 10,000 units per annum in the late 1990s has increased to almost 17,000 last year.

The Government has introduced adjustments to the tax regime to assist the first-time buyer and has introduced a broad range of targeted schemes to assist those seeking affordable housing. It has increased investment in social and affordable housing. Since 1997 the needs of 86,000 households have been met through various social and affordable housing measures.

The Government has concentrated on improving quality as well as quantity. Major funding has been devoted to regenerating run-down estates. For example, Ballymun is among the largest regeneration projects under way in Europe. The central heating programme introduced last year is making huge improvements to people's lives, particularly for pensioners. This scheme has been well funded and I am particularly anxious, as Deputies on all sides of the House would be, that good value for money is obtained from that scheme.

In overall terms, the quality of Ireland's housing stock is very high. The majority, 92%, of households surveyed during the national survey of housing quality for 2001 to 2002 expressed satisfaction with the general condition of their accommodation, their area and their neighbourhood.

These achievements did not just happen by accident. Government actions over years have supported the strong increase in overall housing

supply and increased construction employment. Current policies have built on good foundations.

Housing policy has been always a central plank of Fianna Fáil policy. In recent years, our policies have done the business. When the National Economic and Social Council undertook its analysis and review of the Irish housing sector in 2004, it concluded that the general thrust of housing policies is correct.

In terms of housing output, Ireland has had rates of house building not seen anywhere else in Europe in recent years. To put the scale of activity into perspective, three out of every ten homes in Ireland have been built within the last ten years, nearly 500,000 units in all. Output in 2005 is likely to be broadly in line with 2004. This exceptional rate of house building in Ireland has been facilitated by improvements made by this Government in the planning system and substantial investment in infrastructure in recent years. Increased output has brought greater stability to the housing market. The general consensus among commentators is that current prospects for stability in the housing market, with balanced sustainable growth, are good.

A strong housing market has a positive effect on the economy as a whole, not just through its contribution to gross domestic product but also through its influence on construction employment and its knock-on effect in other economic sectors. I remind the House that 77,000 new home units were brought on stream last year. This has been a major boost to a series of industries besides building and construction. It has certainly given a boost to the furniture industry and the furnishing business.

Between April 1994 and December to February 2005, construction employment grew from 92,000 to 233,000, representing a cumulative growth of 155%. More recent figures suggest even further growth in this area. The house building industry has made a considerable contribution to this growth. The residential construction component of total construction output grew from 51% in 1994 to 65% in 2004. These are not just blank statistics. There are 240,000 people working in the construction industry and this means 240,000 wage packets and secure work at home for people who previously would have been forced to go abroad. It is a remarkable turnaround in an industry which Deputies on all sides of the House will wish well.

The gross value of housing output was slightly in excess of €18 billion last year, the equivalent to 14% of gross national product. In 1994 housing output represented just 7% of GNP, but GNP has grown rapidly during the period 1994 to 2004 and doubling the housing output in GNP terms is therefore all the more significant. With our population forecast to grow to 5 million by 2020, the importance of the sector is set to remain robust.

On the issue of housing affordability, in analysing the housing boom, the National Economic and Social Council commented that given the

[Mr. Roche.]

remarkable strength of demand, a significant increase in house prices was inevitable. Supply is the key to responding to this unprecedented demand. Supply and demand is not rocket science. This Government has placed a strong focus on policies to boost supply. It is not often acknowledged that house price increases have moderated greatly since annual house price inflation peaked at a phenomenal 48% in 1998. By comparison, house prices rose in 2004 by about 11% over 2003. This is not an issue which should be treated with complacency and it should continue to concern us, but it is a significant change. It is incumbent on Deputies on all sides of the House to work to reduce house price inflation, especially at the point where people enter the market for the first time. Most commentators predict further price moderation this year.

The overall trend in affordability of rents in recent years has been generally positive, particularly having regard to improvements in net income. Recent reform of landlord-tenant legislation should help promote investment and professionalism in the sector and enhance its attractiveness as a housing option. This option is underdeveloped in Ireland compared with other European countries.

The Government has been particularly concerned to improve access to affordable housing. We have promoted a range of schemes for low-income households in recent years such as the shared ownership scheme and the 1999 affordable housing scheme. Over 20,000 households have availed of these schemes since their inception. The various affordable housing schemes, including Part V and the Sustaining Progress affordable housing initiative, will deliver substantial output over the coming years. Over 12,000 units in total will be delivered from all the affordable schemes between 2005 and 2007.

The Affordable Homes Partnership, established by the Government, will also add impetus to the delivery of affordable housing, particularly in the greater Dublin area. Although the partnership was only established last August, it has made significant progress in the short intervening period under the stewardship of its chairperson, Mr. Des Geraghty, and a dynamic board. I have considerable expectations for the Affordable Homes Partnership. By bringing a particular focus to a specific part of the market, really significant advances can be made.

Earlier this month, the partnership placed advertisements inviting expressions of interest from parties capable of providing and developing land, mainly for affordable housing. Once the six-week period for submissions has passed, the partnership will give early and careful consideration to the proposals received, with a view to identifying those lands that are suitable to be advanced quickly.

The Affordable Homes Partnership is also giving early attention to the potential for land swaps.

The aim is to build on the highly successful Harcourt Terrace pilot project undertaken earlier this year. The result of that exercise is that 193 families in the South Dublin County Council area are to get access to homes at affordable prices, within a significantly shorter timeframe than traditional delivery mechanisms could have achieved.

If Members, and particularly spokespersons, have not already had the opportunity to do so, I highly recommend that they call to South Dublin County Council headquarters to see the quite remarkable work they are doing in marketing affordable housing and in providing a one to one advice consultancy for people in the system. It really is worth seeing. If other councils were to follow the initiative of South Dublin County Council it would have positive effects.

In effect, under the Harcourt Terrace deal a building which was little more than a shed on less than half an acre of land was traded for 193 affordable homes, which is a very good deal by any objective reckoning.

Today the partnership published advertisements commencing the next land swap project. That project will involve a property at Broc House in Nutley Lane. It is being offered in return for turn-key affordable housing. A series of further swap projects on similar lines will be brought forward in the months ahead.

NESC suggested that Part V was "the single most important policy development in recent decades". This innovative legislation will make a substantial contribution to the delivery of social and affordable housing output over the coming years. It also has provided a basis for better social integration and that is a side of Part V which has not received sufficient attention. The social integrational impact of Part V, properly operated by local authorities, will be an aspect on which we will look back in the years ahead as good.

The number of units delivered through Part V arrangements is dependent on the level and commencement of private sector residential development and, crucially, on the nature of the agreements entered into. As members of this House will know, Part V requirements do not apply to all residential developments.

Acting Chairman (Dr. Cowley): The Minister has one minute remaining.

Mr. Roche: Clearly, they do not apply to planning permissions given prior to Part V coming into operation.

Mr. Gilmore: I wonder would the House agree to let the Minister complete his contribution? In fairness, it is an important debate.

Acting Chairman: Continue, Minister. Time is moving on.

Mr. Roche: I thank Deputy Gilmore.

Taking account of these exclusions, it is estimated that the maximum level of total supply that would attract a Part V obligation is between 10% and 12%, or roughly 7,000 units at current total housing output levels. An agreement under Part V may include options other than the provision of housing units, and Members would be aware of that detail. I mention this detail because there have been attempts to distort the factual position regarding Part V. In fact, I listened to somebody — not a Member of this House, I hasten to add, but a person from an NGO — state recently that there were about 80,000 houses built last year and that should mean 20,000 under Part V. Clearly, the spokesperson in question was not good at mathematics and obviously had a poor understanding of the meaning of Part V.

It will take a number of years for Part V to fulfil its potential. As I have stated, planning permissions pre-dating Part V must be built out, including some major developments with ten-year planning permissions. Nevertheless, Part V output is gathering momentum. By the end of June 2005, 1,294 housing units were acquired under Part V arrangements, comprising 485 social units and 809 affordable units. Over 700 social units and almost 1,500 affordable units are in progress and some 2,500 units were earmarked for acquisition at end of June 2005. The transfer of 17 pieces of land and 169 partially or fully serviced sites has been effected. Over €18 million has been received in payments in lieu and under the withering levy. These monies are ring-fenced and must be expended on housing capital projects, a matter on which I, and I am sure Members, feel strongly.

There is a need for a broad range of mechanisms to respond to the diverse range of housing needs. Since 1997, the social and affordable housing needs of some 86,000 households have been met through various measures. The Government's continuing commitment to the delivery of strong social and affordable housing programmes is evidenced by the record levels of funding we are committing to these measures. This year the total housing provision, Exchequer and non-Exchequer, will be over €2 billion, which is more than double the 2000 spend and more than five times the 1995 spend. Over 13,000 households throughout Ireland will be assisted through various social and affordable housing measures this year. This is a sizeable increase in the numbers of individuals and families benefiting from the investment put into place by the Government.

I am strongly committed to ensuring the resources set aside by Government help the maximum number of households. Local authorities have a key role in delivering on this objective. Housing is a local issue, and rightly so. Local authorities must respond to the nature and extent of local need by devising and implementing appropriate programmes within the resources made available. Some are more successful than

others in this, particularly in their own social housing programmes.

To create a strong framework for delivery, we have required local authorities to put in place five-year action plans to ensure a more holistic and integrated approach to social and affordable housing provision. We have also introduced multi-annual capital envelopes to support these plans. As a result of these measures, activity on social housing has increased, with some 10,000 houses in progress by the end of June last. Some authorities that comparatively lagged behind over the past ten years are now showing signs of substantial progress. There are still some local authorities that need to improve their performance. I will continue to monitor progress and will make available, particularly to local councillors, an indication of where individual councils stand.

Improving services requires both investment and ongoing reforms to ensure resources are applied in an efficient, effective and equitable way. Some challenges for the future and issues needing consideration were raised by the National Economic and Social Council report. We are developing further responses to NESC and I propose to issue a new statement on housing policy soon that will set further directions for the medium term. In the meantime, we made important advances on the new initiatives announced in June, including the establishment of the Affordable Homes Partnership.

My focus will build on the achievements to date and continue to promote housing supply at levels required to meet demand, to supply record levels of affordable housing, to modernise and develop the private rented sector, to roll-out a strong programme of investment in social housing and to improve service and performance.

The Government has a strong record on housing. We will not merely rest on our laurels. There is no room for complacency. We will press ahead with existing and new programmes to provide the best housing responses to Ireland's dynamic economy and society. That is a challenge for my Department. It is a challenge for the agencies associated with my Department. It is a challenge for us all. We are making available the resources to ensure the sector continues to develop and with the help and support of local authorities, and local authority members, we will achieve the kind of outcome we all seek.

I thank Deputy Gilmore for his consideration.

Mr. O'Dowd: I listened with interest to the Minister's speech and I will be happy to take him up on his invitation to visit South Dublin County Council's headquarters. Perhaps he will be kind enough to visit my clinic on Friday morning where he will hear a very different tune to the one he hears in the council's headquarters. He will hear the stories of people *in extremis* who are looking for housing but cannot afford it.

A significant effort is required, by way of Government policy, to address the case of people

[Mr. O'Dowd.]

whose marriages have broken down. I refer in particular to males in their 50s who have left the family home. Many of them are in poor or declining health and are living in very poor circumstances with no possibility of ever getting a home from their local authority. The needs of separated or single males in their older years who have nowhere to go and find it very difficult to bring about significant improvements in their living conditions are increasing and are not prioritised.

Mr. Roche: I agree with the Deputy in that regard — he made a very good point. We should consider the issue at a meeting of the Joint Committee on Environment and Local Government.

Mr. O'Dowd: A twin-track approach is required in the case of families that have broken down. I stress that males in particular suffer from the problem I outlined.

Government policy is forcing people to sell their homes. The Minister may not be aware that, in the former North Eastern Health Board area, people who have to enter nursing homes do not have the income to pay the fees being demanded and, as a consequence of this and decisions of the Health Service Executive, they are forced to sell homes in which another family member is living. I am dealing with a couple of cases of this kind, one of which involves a person who has been living in the family home for at least seven years. The need to sell family homes means the people living therein are placed on the local authority housing list. This is a shame and a sham. I ask the Minister to request the Minister for Health and Children to examine these issues because they are real and are creating enormous stress for families.

The Minister did not address the questions of where and how local authority houses are being built. I read a press release by the Minister that stated that high-density housing was the way to go. It is regarded as the answer to everything. I do not know if it is, but if we are to have high-density developments, they should be built to a high standard in a high quality environment.

Despite what An Bord Pleanála says, we will have 17 or 20 storey buildings around the country. It is critical that the quality of the environment in which they are to be constructed is very high, especially if families are living in them. It is all very well building a new shopping centre or apartments, but we really must consider the quality of the environment in which they are located. Otherwise children will have nowhere to go and will be forced to walk the streets. If we are to have high-density developments, we should attract designs of the best quality and reward and encourage those responsible. Design competitions, which ought to be run, if they are not run already, should be used in this regard. I fear, however, that there will be high-density buildings of poor environmental quality, with the consequent problems.

The Minister made a speech in August on what local authorities are doing throughout the country in respect of rezoning land. He was correct to question the location of houses being built in terms of the national spatial strategy. Government policy is forcing people to move increasingly far from the city of Dublin, where they might otherwise live, to build, buy or rent homes. Government policy, including the national spatial strategy, has failed because people are moving to locations as near to Dublin as possible. Developers are buying up land and building the homes, but they are developed in an absolute wasteland. As we noted from the by-elections in Kildare and Meath, many thousands of people are living in new housing estates in communities that have no facilities, recreational amenities or national schools. They have absolutely nothing. If the Minister's national spatial strategy were working, those communities would be developing in the growth centres that were identified, and, as he knows, in some others that were not.

One cannot have a national spatial strategy that does not work, nor can one have a decentralised State office in every small town and community in the country. Government policy is not working, people are living in poor accommodation with no facilities and commuting times are getting longer. Before the Minister entered office, were commuters from the north east or his area in Wicklow getting up earlier than they are now? People are getting up earlier to get to work from their housing estates with no facilities. The Minister's policy is just not working — he has not got it together and it is an absolute sham and a shame.

Mr. Roche: The Deputy might have a word with the lads down in Laois.

Mr. O'Dowd: I will have a word with them everywhere because this is an issue for us all. I have no difficulty doing so. I had a word with them in County Louth and everywhere else.

There is no point building houses where there are no facilities, nor is there any point in councilors rezoning land if there are no facilities for the houses to be built thereon. There is no point in the Government having a national spatial strategy that lacks direction. This is the reality. I face this problem throughout the country. We in Fine Gael make it crystal clear that there is a need for a proper policy. The Government must lead by example — that is what Fine Gael will do.

The reality is that the Minister's record in Government has been an appalling failure. In 1996, the average price of a house stood at the equivalent of €88,000 in Dublin and €75,000 elsewhere. Today the average price for a house is over €250,000 and the average in Dublin is €356,220. Where in the name of God are people getting the money? Those people who can afford to borrow are borrowing to the hilt. Recently, financial institutions have been saying they will

grant clients loans to buy houses, amounting to €350,000, for example, on which the clients have only to pay the interest. People in partnerships are *in extremis* trying to get the money to build their family homes. The reality is that the market keeps meeting the demand but the prices keep increasing.

People are now obtaining mortgages they will never be able to pay back. They are borrowing in a climate in which interest rates are about to increase. One might believe an increase of 1% is not very much, but one should remember it is not so long ago since mortgage interest rates were 15% or 16%. The Minister and I remember this. The reality is that there are unacceptable developments in the economy. The Minister's policy is not working and the pricing of houses has gone out of control.

Let us consider the figures, two of which are good. It is excellent that 250,000 are working in the construction industry. I welcome this, but if one ascertains who is buying the homes being constructed, one will note that a very significant number of buyers are buying second homes. Those who want to buy their first home cannot enter the market. We now have, for the first time, a generation of young people on normal incomes, such as teachers, nurses and gardaí, who cannot afford to buy their own homes. The Minister has not addressed that and is not addressing it through the policy he has outlined today.

Fine Gael has identified key ideas that ought to be acted upon, particularly in respect of first-time buyers. Government policy should address their needs. All stamp duty payable by first-time buyers on properties valued at less than €400,000 should be abolished. The Government moved some of the way towards achieving this in the budget of last year, but the stamp duty exemptions have not kept pace with the increase in house prices. While there has been a reduction in the stamp duty payable, it is still significant. The Estimates are to be published next week and if the Minister has done his homework — he generally does it reasonably well — he will increase the threshold beyond which stamp duty is payable.

Many people are talking about special savings incentive scheme accounts and all the money that will be in the economy next year. Clearly the Government needs a strategy to put some of the money coming on-stream into pension funds. Fine Gael believes a special scheme ought to be introduced for first-time buyers only. I put this to the Minister in parliamentary questions time and again. Fine Gael, if in power, would create a fund equivalent to the special savings incentive scheme, such that first-time buyers could benefit therefrom. It would be significant and helpful to them. We will make it easier for house buyers in that for the first seven years of their mortgages, they will have the interest benefit. These are some of the issues we think important. The failure of the Government has been unacceptable. It has failed to meet its commitment on social hous-

ing in the national development plan and the VAT rate on all houses has increased.

A critical issue, on which I intend to focus during parliamentary questions on 27 November, is that of the serious inequity in development levies. The principle of local authorities charging such levies is a good one. The difficulty is that there are significant differences between counties, for example, the Minister's county of Wicklow and County Donegal. Development levies are used as an income source for local authorities rather than for meeting real operational costs. They are a real issue for first-time buyers building single rural houses. The Minister should direct local authorities to address the problem. He should meet county managers and local authority members to explain what is occurring throughout the country and to ask them to make the charge fairer and more equitable. It is not equitable at present; it is seen as an extra and unfair tax which, rather than affecting developers, particularly affects those trying to build their first home.

The Minister must consider the issue of social housing on which his policy has been a failure. One of the problems is that the relevant statistics are not available. A national inventory of housing needs began last March. It is now November, yet the facts and figures are not available. If we are to plan properly, these figures must be available annually. One of the causes of this problem is that applicants had to fill in a 20-page form.

Mr. Roche: In two volumes.

Mr. O'Dowd: That was a serious mistake. One almost had to state what one had for breakfast. However, the serious issue is that local authorities and the Government cannot plan. The budget is approaching but the Government does not have the necessary facts and figures and does not know its own needs.

My local authority tells me there has been a significant increase in the number of people on the social authority housing list, which is the area of greatest need. As the Minister has not done his homework or got his facts right, this debate is taking place in a vacuum. He does not know where he is going and cannot tell us the facts. Fine Gael will ensure that everybody knows the figures, whatever they are. To inform this debate properly, we should have the figures but we do not.

These are the main ideas I wish to bring to the Minister's attention. I look forward to debating the many aspects of this issue. The Minister is not doing his job and has been a failure on the provision of social and affordable housing. That is not a legacy I will have when I am in the Minister's position. In the short time the Minister has left in office——

Mr. Roche: Hope springs eternal.

Mr. O'Dowd: *Spera in Deo.*

Mr. Roche: The Deputy said it with a smile.

Mr. O'Dowd: I expect that things will change, as they must. I look forward to the debate.

Mr. Gilmore: I welcome the fact that the Dáil is at long last having a formal debate on the important issue of housing. Since the publication in April 2004 of the report of the all-party committee on building land, and more particularly since the publication a year ago of the National Economic and Social Council report, *Housing in Ireland: Performance and Policy*, I have, on behalf of the Labour Party, sought a debate in the House on the unmet housing needs of tens of thousands of people. It is a measure of the Government's disinterest in housing and its indifference to people in poor circumstances who cannot afford today's high house prices that this debate has been delayed for so long.

In November 2004 the NESC published a major report, *Housing in Ireland: Performance and Policy*. It urged the Government, the social partners and others involved in housing to take action along three inter-related lines of policy: the provision of social and affordable housing, the need for integrated sustainable neighbourhoods, and active land use management. The NESC described what needed to be done as, "a major national challenge which bears comparison with other great challenges that Ireland has faced and met in the past half century". In other words, the NESC put today's related housing, planning and neighbourhood problems on a par with the economic crisis which faced Ireland at the end of the 1950s, and it suggested that the priority for policy and the level of effort required to resolve these problems are on the same level as the efforts which eventually and successfully addressed the country's past economic, employment and emigration difficulties.

This paints an entirely different picture of the housing challenge facing this country than the complacent, self-congratulatory tone of the Minister's speech.

Mr. Roche: It was factual.

Mr. Gilmore: I am disappointed that the Minister referred only in passing to the NESC report and made no reference to the all-party committee on building land.

The NESC report did not surprise the Labour Party. For the past eight years we have argued that the Government's housing policies, if they can be described as such, should be changed. Nearly eight and a half years after the Fianna Fáil-Progressive Democrats Government came together in 1997 and after a period of unprecedented economic growth and revenues, several questions must be not just asked but answered. Why are twice as many people homeless? Why is there double the number of applicants on local authority waiting lists? Why have more Irish

families lost their homes through eviction under this Government than did so under the British during the land war in the 19th century? Why are young working people unable to purchase a home reasonably close to their family and their work, especially in the major urban areas? Why has a generation been driven out into the commuter belt, with all the consequences for traffic, child care and personal relationships?

The answer to all these questions is that the Government, instead of pursuing policies aimed at providing homes for families and working people, has instead stimulated and stoked a market for property which has increased house prices, made the larger urban areas virtually unaffordable and increased the burden which must now be borne by the taxpayers in addressing the housing needs of our people. The Minister in his speech focused on housing as an economic activity, which is important, rather than dealing with it as a social and human need.

In the early years of rising house prices, the Labour Party argued for intervention in the housing market and was told by a succession of Ministers that housing should be left to the market, that supply would increase and that this in turn would meet demand. Supply has increased, which is welcome. However, house prices are now three times what they were eight years ago, and despite all the talk about prices stabilising, the latest official figures from the Department of the Environment, Heritage and Local Government show that the annual percentage increase in new house prices is 11.8% nationally, 7.4% in Dublin, and just over 10% for second-hand houses, or three to four times the rate of inflation. Indeed, the Bank of Ireland stated this week that house prices will rise by 10% this year and that rents are beginning to rise again.

The Government has intervened in the housing market on a few occasions but only to give a leg-up to investors and property speculators. The abolition of the first-time buyer's grant distorted the market against the first-time buyer. The reduction in stamp duty for investors did the same. The halving of capital gains tax for the sale of development land and the range of urban renewal incentives for new building were aimed at supporting the property market rather than providing homes for those in need. The only significant measure which might have assisted first-time buyers was Part V of the Planning and Development Act 2000, which required up to 20% of development land to be set aside for social and affordable housing, but that measure was botched in its implementation. First, it was delayed and did not take effect until 2001. All unbuilt planning permissions were due to be subject to the 20% rule, with effect from the end of 2002, but builders and developers engaged in special pleading and the Government effectively handed back 80,000 affordable sites to the builders in amending legislation from that time.

According to the Department of the Environment, Heritage and Local Government, over 300,000 dwellings have been built in the State since Part V became operational in 2001. To take up the Minister's challenge about mathematics, if we assume that 50% of all the houses and apartments built since 2001 were on small sites or on unzoned land, or were one-off dwellings — therefore Part V would not apply to them — there remain 150,000 dwellings to which the 20% rule should have applied and should have generated in the region of 30,000 social and affordable dwellings.

Mr. Roche: What about the pre-planning? The Deputy has got it wrong.

Mr. Gilmore: Instead, according to a reply given by the Minister and repeated in the House today, only 1,294 dwellings have so far been produced under Part V, or just 4% of the potential number which could be provided. The failure of Part V to deliver on its potential can be explained by the fact that the Government never wanted it to work. It has delayed its implementation. It has riddled it with loopholes and out clauses and made its administration unnecessarily cumbersome for applicants and developers.

Indeed, the Minister is now raising another possible out clause. I saw recently that he is talking about developers being able to exchange their Part V commitments in return for sites for school buildings. It has more to do with facilitating the developer than providing for the educational needs of our people.

Mr. Roche: How could a right man be so wrong so often?

Mr. O'Dowd: The Minister is talking about himself.

Mr. Gilmore: Part V has been a failure to date in the areas where it is most needed, the affordability blackspots where working families cannot afford to buy from their own resources.

Mr. Roche: The Deputy is the only Member of the House who does not understand it anymore.

Mr. Gilmore: My constituency is an example, where the local authority recently advertised a new affordable housing scheme offering one-bedroom units at €200,000, two-bedroom units at €230,000 and three-bedroom units at €300,000. By any standards these are not affordable prices for working families on low incomes. While I welcome the establishment of the affordable homes partnership and wish its chairman, Mr. Des Geraghty, every success in its efforts, I do not want to see it being used as a means to drive working families out of city centres or areas where there are high property prices, as a type of social cleansing tactic on the part of the Government.

The story on the direct provision of social housing is even worse. NESC estimates that 73,000 additional units need to be provided between 2004 and 2011. That translates as a social housing output of between 10,000 and 11,000 units per year for the next seven years. In recent years total social housing output, that is, local authority construction and dwellings provided through the voluntary and co-operative sectors, have been running at about 4,000 to 5,000. This year, however for the second year running the numbers are down. The number of local authority houses completed in the first six months of 2005, at 1,376, is 14% less than the number for the same period in 2004, and the 2004 output was down almost 22% on 2003.

Looked at over a longer time period, the picture is even more depressing. In the national development plan, the Government committed itself to provide an additional 35,500 local authority dwellings between 2000 and 2006. Up to the end of June this year, it delivered 19,660. With 18 months to go to the end of the NDP, 45% of the promised council houses have yet to appear.

The NDP also promised 4,000 voluntary sector dwellings per annum. In 2004, 1,607 dwellings were completed, less than half the rate that was promised. The targets for shared ownership and affordable transactions of the non-Part V type also were not met. The target in both cases was 1,000 per annum, and last year they came in at 798 and 869 respectively. In the Sustaining Progress national wage agreement of 2003, the Government promised 10,000 additional affordable houses on top of all the other schemes, including Part V. So far not a single one of these dwellings has been provided.

In 2004, the total social housing output was 6,117 units. This compares poorly with the private sector achievement of 71,808 units. Against a backdrop of estimated housing need among the poor, old and disabled in the tens of thousands, this is a failure on any level. Voluntary and co-operative output is in the region of 1,600 units each year. However, this is far below capacity and expectation and one must wonder why that is. Perhaps the fact that the units cost limits have not been revised since 2002 is a contributing factor. Is the Minister aware of the effect of building price inflation on the output of social housing stuck with unit costs that are already three years behind?

Perhaps another reason is the collapse of the low cost site scheme, whereby housing associations can acquire land from local authorities to build social housing. A grand total of 87 sites were made available under this scheme last year. It is fair to say that this scheme has been all but abandoned. Does the Minister have any plans to revive it or perhaps to implement the recommendations of the NESC housing report as regards active land management mechanisms?

Another area of policy which seems to be left hanging is the provision of direct access for hous-

[Mr. Gilmore.]

ing associations to the Housing Finance Agency which was brought into legislation in 2002, another three-year gap in terms of getting a result. There is also a gap in the assessment of housing needs. Such an assessment was carried out by all local authorities in March this year and despite the urgent need for up-to-date data, we still have not got the figures as regards housing need.

Instead of providing applicants for social housing with good secure homes through local authorities and voluntary and co-operative housing bodies, the Government is delivering up the social housing applicants as State subsidised tenants to the private rented sector, through the rent supplement and new rental assistance schemes.

The policy of State subsidisation of rent in the private rented sector is not sustainable in the longer term. It makes little sense for the Government to subsidise some rents by up to €952 per month, when the same amount, and in some cases less, would pay the mortgage on the same property. The rent supplement scheme is now acting as a new poverty trap and a disincentive to work. Rent supplement is generally available only to those who are on social welfare payments and tenants lose it if they take up work, or if partners decide to live together and one of them takes a job. This needs to be remedied urgently so that people do not lose rent assistance if they return to work.

There is the danger of a new type of “ghettoisation” as considerable parts of new apartment developments are turning over almost exclusively to tenants in receipt of rent supplement and the quality and design of some of them is not suitable for family living. The housing problems facing the poorest people in society are worse now than they have been at any time in my 20 years as a public representative. Time and again the Labour Party has called for changes to Government housing policy, but to no avail. This Administration will not change its housing policy. Change will come only with a change of Government.

The challenge set down so clearly in the NESC report will not be easy, not least because policy options which would have worked seven or eight years ago, or even more recently, are not now available. The housing problem has to be addressed in circumstances where many families have committed enormous sums to purchase their homes, and in some cases are over-borrowed, and care must be taken not to expose them to further financial risk. Similarly, we must ensure that the policies pursued do not adversely affect construction activity, which accounts for a large segment of the economy.

The Labour Party’s starting point is that every person has a right to a home. Indeed, we have proposed a constitutional amendment which would make the right to a home an element of the wider social and economic rights which Labour believes should be guaranteed by the Consti-

tution. The duty of Government is to ensure that every person, every family, has access to housing, at an affordable price, on tenure which is secure and is adequate to their needs. That objective can be met by a number of means. The first step is to maximise the numbers who can purchase their own homes. The NESC report identified two major problems in this regard, namely, the difficulty in assembling a deposit and second the problem of affordability blackspots.

The second step is to implement Part V of the Planning Act in an effective way. Part V should be capable of generating 5,000 social and affordable dwellings per annum. The third step is to reform and widen eligibility for the shared ownership and the affordable housing schemes. The eligibility and income limits need to be lifted urgently in both cases. The fourth step is to establish a national housing authority to provide support to local authorities and to help the voluntary and co-operative housing sector to meet their targets. The task of the national housing authority would be to meet the targets recommended by the NESC, specifically the provision of 73,000 additional social housing units up to 2011.

The fifth step is to replace the rent supplement, the mortgage and rental subsidies scheme, as well as the RAS, by a new housing benefit which would be related to need and affordability. The final step is to address the continuing speculation in building land through the implementation of the recommendations of the all-party committee.

Message from Seanad.

Acting Chairman: Seanad Éireann has passed the Social Welfare Consolidation Bill 2005, without amendment.

Housing Policy: Statements (Resumed).

Mr. Cuffe: The Government appears to claim that things have never been better. The word on the streets is that it would be hard for things to get worse. While the output of private housing has increased dramatically in recent years, the proportion of that housing that is either social or affordable has never been lower. Deputy Dempsey had an honourable tenure, in many respects, as Minister for the Environment, Heritage and Local Government. He introduced the Part V provisions, but his successor, Deputy Cullen, filleted those provisions. In essence, he let developers off the hook and this Minister has upheld Deputy Cullen’s decision. It is not good enough to let the private sector off the hook. It is not good enough to limit the good proposals that were in Part V in 2000.

Let us look at the facts. In Dún Laoghaire-Rathdown, the housing list is treble what it was ten years ago. That is a fact.

1 o'clock

Mr. Roche: It is also a fact that it has the worst record, as a council, of delivering. In ten years——

Mr. Gilmore: That is because you took the land off them.

Mr. Roche: That is not true. In ten years your council has not achieved its figures.

Mr. Gilmore: Your predecessor took land of the council to build a motorway.

Mr. Cuffe: You need to provide the funding.

Acting Chairman: I ask the Deputies to address the Chair.

Mr. Cuffe: The Minister needs to provide the funding.

Mr. Roche: I have provided the funding but the council has failed to spend it. That is the reality.

Mr. Cuffe: I am disappointed.

Acting Chairman: The Minister had his time, Deputy Gilmore had his time, we must let Deputy Cuffe have his time.

Mr. Cuffe: The cards are in the Minister's hands. It is a fact that there are more holiday homes being built than social and affordable homes. It is a fact that in times of poverty, the State, through its local authorities, built thousands of homes for people on lower incomes. It is a fact that there is no control on rental levels in the private sector. It is a fact that half the landlords in this State are not registered, despite the trumpeting that the recent legislation would tidy up that sector and get rid of the cowboys. It is a fact that a report the size of a telephone directory was delivered by the All-Party Oireachtas Committee on the Constitution which dealt with property rights. The Minister has failed to implement any aspects of that report in a meaningful way. It is gathering dust. It is a fact that tens of millions of euro are being spent on rent supplement that would be much better spent on providing homes. It is a fact that the shared ownership scheme is not working in urban areas such as Dún Laoghaire. It is also a fact that the quality of new homes is lagging behind the rest of Europe at this stage. We are not meeting the thermal performance standards. We are failing to update our building regulations to meet the kind of standards that have been in place since last year in the UK, where condensing boilers are mandatory. One would be hard pushed to find such a boiler in Ireland.

In essence, the Minister is not addressing the fundamental problems of housing, other than welcoming the developers into the tent. There are

gated communities for the rich, while there are unscrupulous landlords for the poor. It adds up to a waiting time of decades for people on the housing list. We can go in a clear direction on housing and the NESC report indicated many aspects of that. If the Green Party was in Government, we would recoup a fair share that is added to urban and rural land which is zoned for development. We would ensure that this value is returned to the community. We would ring-fence this revenue for the development of sustainable settlements. We would begin to shift the tax-burden from labour to smart taxes on the site value of land, including residential investment property on second homes. We would commit to ensuring that the State provided tens of thousands of social housing units per year. We would meet the targets in the national development plan.

There is a great amount to be done in the area of housing. In the richest of times, we are failing to honour our obligations to the poorest in society.

Mr. Morgan: I am absolutely flabbergasted. Not in my three and a half years in this House have I heard the level of bland bluster that I have heard from the Minister this afternoon. It is nothing short of a scandal. The Government has done nothing in nine years to tackle the housing crisis and it is in denial about that crisis. Waiting lists have continued to increase, house prices have gone through the roof, local authorities are trying to get out of their responsibility in social housing provision, while landlords continue to flout registration requirements. That is just a small number of issues in the sector.

I thought this might be a case of incompetence on the part of a Minister of State who was either unwilling or disinterested in the whole area. Unfortunately, I see that is not the case; it is total Government denial. The Minister of State refused to accept that there is a crisis in housing. He has shown no sign of being on top of his brief or of trying to deal with this crisis. That was bad enough, but today we have a hapless Minister who comes in and smiles at us. His best offer is his statement that he will role out a strong programme of investment in social housing. When? How? Where? That is the most bland nonsense I have heard in a long time. The Minister should treat the House with more courtesy and lay out some kind of policy and not waffle his way through his portfolio. The Government has continually tried to downplay the level of difficulty faced by people trying to secure both social and private housing.

The Government also showed contempt by shelving, or binning, three significant recently published reports. The previous speakers have already alluded to the NESC report, which sets out the target of at least 73,000 units of social housing between now and 2012. Where is the

[Mr. Morgan.]

commitment to that in the Minister's speech? The ninth progress report from the All Party Oireachtas Committee on the Constitution dealt with the issue of land. NESC is a Government established body, but the all-party committee is a body of this House with a majority of Government Deputies. It recommended in April 2004 that the Government deal with the affordability of land. What has the Minister done with that report? It is sitting somewhere in his office, with no movement whatsoever. We also had a report from Goodbody economic consultants. It is no wonder the Minister's head is in the clouds when he is sitting on all of those reports. It is a scandal that he has not given any commitment on any of those issues in this House today. Where does he stand on those issues? When will we hear from him on those reports? What is his position on them?

I want to examine some of the issues surrounding the housing crisis that the Minister refuses to accept. A total of 48,413 households are on the social housing waiting lists, many of whom are living in squalor. They live in damp, draughty accommodation, their children suffer and often lack food, adequate clothing and, certainly, heat. In such an environment, what chances do they have in terms of education? Many of these people are also being ripped off by unscrupulous landlords. What is the Minister's response today? He does not mention them and completely ignores them.

The other scandal associated with this housing crisis concerns the 40% of people in the private rented sector who are in receipt of rent supplement, which costs a total of €400 million per annum. This is a bigger scandal than either the electronic voting issue or the PPARS computer system joke which the Government played on the people. It is unacceptable for the Minister to come into the House, smile at Members and give no commitments except for some bland nonsense. The Government has set no targets for the abolition of housing lists. Without targets or some kind of timeframe, how will the Minister deal with the problem? We have received no indication from him, which is an absolute scandal.

Ms C. Murphy: I welcome the opportunity to participate in this debate on an extremely important subject. Recently, I met one of my constituents who has been in receipt of rent assistance for nine years. As she has one child and little familial support, she has no choice but to live in private rented accommodation. A house could have been built for her with the rent support which has been paid over those nine years. This is both financially wasteful and a waste of her potential. She wishes to return to work to improve her chances and those of her daughter. However, the system has caught her in a poverty

trap that is expensive to maintain. I personally know many people who have been on the waiting list for five or six years who have been in receipt of rent assistance throughout. They live in rented accommodation costing €900 or €1,000 per month. They cannot earn enough to pay this rent and would lose their rent assistance if they go to work. Hence, it is impossible to do so and they have no choice.

Much of the emphasis for delivering houses has been placed on Part V of the Planning and Development Act 2000. The signs are that in recent weeks, there has been a shift in policy by the Department of the Environment, Heritage and Local Government. On 15 November 2005 I received a reply to Question No. 555 from the Minister for Education and Science on the issue raised by Deputy Gilmore in respect of school accommodation. Part of the reply states:

[T]he 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.

It was followed by a comment in the most recent edition of *The Sunday Times* on the part of the Minister for the Environment, Heritage and Local Government which reinforced the impression that there has been a change in policy. We must know whether a change with such a dramatic potential effect has been made.

In practice, there has been a poor return on social and affordable housing. For example, if planning permission is granted to a developer with a Part V obligation, typically what happens is that the developer proceeds to build the estate. When it is nearly complete, the developer begins protracted negotiations with the local authority, thereby causing a logjam in which the houses become too expensive so that they either are not approved by the Department or people are unable to secure a mortgage on them. The local authority then settles for a site or for the money instead and must go through the process of zoning, designing, getting planning permission, going to tender and building the houses. Hence, several more years elapse before such houses are delivered. That is the reality.

Any change in policy that reduces the delivery of the 20% target must be compensated for by direct provision on the part of the Department of the Environment, Heritage and Local Government. The programme for Government promised a review of the operation of Part V in respect of delivery. Has that happened and, if so, what were the findings? If such a review has not taken place, why not? Sufficient information is now available.

Moreover, the rental assistance scheme must not become a substitute for the provision of a home. While it has both merits and shortcomings,

it could end up becoming an expensive substitute in which private landlords are guaranteed a rental market. I would not consider a situation in which I was unable to replace wallpaper, own my own furniture or did not have security of tenure of a permanent home. We must know exactly the long-term philosophy behind the rental assistance scheme.

As far as affordable housing is concerned, much is determined by the availability of loans. Either the existing limit of €165,000 for an annuity loan should be increased or the reality that the scheme is not available to most people should be faced given that houses cost more than that sum. The shared ownership loan scheme also has limits. As for the clawback clause on affordable housing, we have been informed that Bank of Ireland and EBS offer loans. I am unable to find a single person who has been successful in getting a loan because of the clawback clause. In reality, affordable housing is not on offer to people. While they are put through hoops, it is not working for them.

I believe that something can be done in respect of housing. The cost of building land has a dramatic impact on the cost of houses. In practical terms, the Government can intervene in that regard.

Mr. Carey: Like other Members, I take this opportunity to make some remarks on the issue of housing. In this respect, any remarks made by any Member probably have a degree of accuracy. A massive amount has been done, a record investment in housing has been made and the amount of construction under way is unparalleled. By any measure, we are doing far better than our counterparts anywhere else in Europe.

I wish to examine a number of areas, namely, social and affordable housing and, if I have time, housing for the elderly and Traveller housing. The commitment of the Minister, on which I compliment him, to make multi-annual budgets available to local authorities has been a significant development. In some cases, the measure has been used quite innovatively. While I do not wish to crow about what has been achieved by Dublin City Council or in my constituency where there is local political leadership, it is possible to advance schemes that are highly imaginative and innovative. As I explained to the Minister, some smaller infill schemes have been built in my constituency at the instigation of the city council's local area committee. They fulfil a number of functions such as promoting social cohesion, as one has people who are able to afford a house where they were raised, providing community stability and bringing a measure of confidence to the community. I have seen such schemes work extremely well in Finglas and Santry.

I wish to concentrate on what I believe is the model of best practice in this country, namely, the

Ballymun regeneration project. Most Members will have seen it at some stage. Those who represent Dublin North-West have seen it at first hand and remember the appalling conditions that people living in flats were obliged to endure. We saw how a decision taken by a previous Government, of which Fianna Fáil was a part, to attempt a rejuvenation of the existing flats did not work. However, through community action in co-operation with the Government and Dublin City Council, a radical programme of regeneration has been developed and is now being delivered. Anyone who takes the trouble to go to Ballymun will see the range of high quality housing available there as well as the diverse nature of delivery.

For example, one can examine Tigh Meitheal, which is a co-operative housing development, the best of its type, which was delivered by a group called Tógáil Developments Limited. One can see the transformation. For example, before Ballymun Regeneration Limited came on the scene, there were four privately owned houses in Ballymun, namely, the four presbyteries. At this stage, we have a mix of houses with apartments, standard housing and a range of community facilities which have been included to enable social cohesion to bed down, take root and develop.

There are dangers in this development and I will bring one to the Minister's attention, namely, the danger that investor-led developments will take hold and make it extremely difficult for an area like Ballymun to settle down. As a template for what can be done by a local authority working with a local community, there is probably no better model available. Sometimes we are inclined to reinvent the wheel on housing issues but we have now seen what is possible.

I referred to multi-annual budgets which have enabled affordable housing to flourish. The involvement of voluntary housing organisations in the housing programme, while an interesting development, has delivered only patchy success. I caution against an over-reliance on the capacity of housing organisations to deliver significant elements of the programme. I may be old fashioned but I have a degree of confidence in the ability of local authorities to deliver housing programmes.

Local politicians must show courage by taking decisions to ensure they are delivered. I derive no pleasure from reading that certain local authorities in the Dublin area, of which Dún Laoghaire-Rathdown County Council is one, only manage to meet between 50% and 60% of the targets set for them. While it is fine to preach about what should be done, we all have a backyard and if we are not prepared to take a stand and provide political leadership, we cannot blame everyone else for what is or is not happening.

Housing for the elderly must be a priority. Dublin City Council has led the way in making

[Mr. Carey.]

schemes available for people who wish to move from standard three-bedroom family homes into sheltered housing, which is an unfortunate term, but I cannot think of a better one. Good quality accommodation is provided under these programmes, including, for example, at Albert College Court beside Dublin City University, Kildonan Court which recently came on stream and Griffith Heights, another scheme comprising a mix of 66 affordable homes and developments for senior citizens. Twenty-two or 23 of the housing units in the Griffith Heights scheme will be released for letting to people on the housing list.

It is vital that careful consideration is given to the needs of the elderly. It is estimated that the number of elderly households will increase from 440,000 in 2002 to almost 800,000 in 2025. Improvements in health and lifestyle will result in an increase in life expectancy, with the proportion of elderly people aged over 75 years also estimated to increase significantly. Government policy has traditionally been to help elderly people to live in their own homes for as long as possible, often with assistance from friends and families. For these reasons, it will be important to knit together the areas of health and housing. In this respect, I commend the Acting Chairman, Deputy Cowley, on the initiatives in which he has been involved in the west. They have made an impact on provision of housing for the elderly and many more are needed.

In 2004, in reference to the needs of the elderly, the Irish Council for Social Housing noted its finding that sheltered housing had been successfully developed by non-profit housing associations since the 1980s, with more than 7,000 homes constructed, many of which were provided with on-site support. In my constituency, the area I know best, Respond Housing Association, a highly respected organisation, has built senior citizen accommodation and apartments which allow people who are not capable of independent living to reside in a secure setting, which families can visit from time to time, while benefiting from nursing supervision, supplied meals and so forth.

Traveller accommodation is another area which is dear to my heart. Although Traveller accommodation plans have been exciting, delivery has been patchy to say the least. The sooner we grasp the nettle that good quality accommodation must be provided in all local authority areas, the better. The latest figures I have been able to access from the Department of the Environment, Heritage and Local Government indicate that 788 Traveller families are still living on the side of the road. While this is an improvement on the figure of 1,200 in 1999, we still have a long way to go. Crowding large numbers of families on to housing or halting sites is not the correct approach. I understand 323 families share basic facilities with other families, while 352 families

are in emergency and temporary facilities. Radical approaches to Traveller housing are needed.

One area of Traveller housing need is just beginning to emerge. Built in the mid to late 1960s, Avila Park in my constituency is one of the oldest Traveller sites in the country. Thankfully, a number of residents in the development, mainly women, have survived into their 70s and now need housing tailored to this late stage in their lives. I am not sure much consideration has been given to this requirement as the number of people involved is not significant. While the option taken in Avila Park might not work elsewhere, building a traditional granny flat beside an existing Traveller family house is a possibility. It is clear, however, that older Travellers do not necessarily want to move into sheltered housing accommodation built for members of the settled community. This objective may become possible but remains some way off.

I compliment the Minister for the Environment, Heritage and Local Government, Deputy Roche, on the work he has done and pay special tribute to my constituency colleague, the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, who has been extremely proactive in the area of housing development.

Mr. Crawford: I welcome the opportunity to speak on this important issue. No one is as proud of his or her right to own a home as the Irish, and long may that right last. People tend to rent accommodation or avail of alternatives in many other countries but Irish people, because of our history and the difficulties experienced by previous generations, regard home ownership as important. We have a proud record in that respect.

The issue of disabilities is dear to my heart. We need to re-examine our approach to housing for people with disabilities. The most common difficulty raised in my constituency office is the need of desperate people to have alterations made to their houses to cope with a disability. They include people who have been diagnosed with multiple sclerosis or have developed cancer, bone problems and so forth. The current structure for dealing with such people leaves much to be desired.

Although provision in some counties is better than in others, it is still not sufficient in this era of the Celtic tiger when there has never been more money in the kitty. We have made a commitment to have a national policy towards disabled people but when we get down to the nitty-gritty of using council and Health Service Executive structures it can often take months to secure approval for a grant to allow a person to proceed with home alterations. In some cases, applicants are placed on a waiting list for a housing grant which is, in any case, only partial. While I accept people

should not be allocated disabled person's grants on grounds such as age, those who qualify on the basis of medical opinion, preferably one provided by their general practitioner who will know them best, should quickly be given grant aid of 90% or 100%.

Debate adjourned.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Fishing Industry Development.

85. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that Ireland's seed mussel industry is in danger of collapse as a result of a 40 year old agreement, which is being abused by outside interests to give reciprocal fishery rights to fishermen from Northern Ireland and the Republic in the two jurisdictions outside their exclusive fishery limits as the Northern Irish authorities have registered vessels from other European countries; if his attention has further been drawn to the fact that this practice is proving disastrous for Irish mussel seed farmers and action must be taken to stop same; the reason this practice is still continuing without any legal basis; if he has held talks with mussel farmers on this issue; if his attention has further been drawn to the disastrous effect this practice is having on mussel farmers here; and if he will make a statement on the matter. [34716/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Mussel seed is a naturally occurring resource that requires a management and development strategy to maximise the potential return and ensure sustainability of the stock.

Access arrangements to Irish and Northern Irish waters are governed by the Voisinage Agreement, a neighbourhood agreement formally recognised under the London Fisheries Convention and adopted as far back as March 1964 by 13 European states, including Ireland and Northern Ireland.

To participate in the mussel seed fishery, operators are required to be licensed by their respective jurisdictions. My Department has sought, and received, assurances from the Department of Agriculture and Rural Development in Northern Ireland, DARD, that all licences issued by it have been in compliance with the Voisinage Agreement. DARD has advised that it issues licences to operators who have licensed aquaculture sites

in Northern Ireland waters and in respect of vessels registered in Northern Ireland.

I have consistently invited the industry to participate in the management process for mussel seed. I strongly believe that stakeholders must be actively involved in fisheries management. I support the management of fisheries and believe that it is vital that all stakeholders are involved. In answering Deputy Perry, I take the opportunity to call on the industry once again to become involved in that management process. I consider such participation a priority for the future management of this important resource. While industry representatives have not yet agreed nominations to the management committee, I welcome the informal engagement that took place before the start of this season's fishery. I urge the industry fully to participate in managing this resource and ensuring a sustainable future for it.

Mr. Perry: Mussel farming constitutes Ireland's premier single-species fishery and in 2004 mussel seed production reached 30,000 tonnes, being valued at €22.5 million. The Voisinage Agreement was drawn up in 1964 to confer reciprocal fishing rights on fishermen from Northern Ireland and the Republic outside their exclusive fishery limits. Is the Minister of State not disappointed that it is only a reciprocal agreement without more co-operation?

There seems to be total anarchy with regard to development. This agreement is set down in an exchange of letters and has no basis in law. The Minister of State said that in March he had asked the mussel seed industry to participate in the seed mussel assessment committee, SMAC. To date, industry representatives have not made nominations. Does the Minister of State feel that further action is now needed to move this on? Hitherto, no representative bodies became involved. Will the Minister of State take decisive action to achieve active participation by setting up a new structure to deal with this very serious problem?

Mr. Gallagher: If we are to make progress on this issue, the most positive step that could be taken depends on the industry, which I have invited to nominate representatives to the management committee. They would have an input into SMAC, which advises and makes recommendations to DARD in Northern Ireland and the Department of Communications, Marine and Natural Resources. It has an input into the management and exploitation of the seed mussel resource. This important committee comprises representatives from the two Departments, as well as Bord Iascaigh Mhara, the Loughs Agency, and the cross-Border aquaculture initiative. SMAC processes and assesses applications for allocations of mussels and advises DARD and my Department. It also makes recommendations to the Departments regarding the opening and closing of the fishery.

[Mr. Gallagher.]

In short, I believe that the most positive step that we can take is to have a representative or representatives on the management committee. I fully agree with Deputy Perry on the great importance of the industry, which has grown over the years and provides much-needed income for those fishing that resource North and South.

Mr. Perry: Does the Minister of State agree that SMAC has failed, despite the fact that it has representatives of all State authorities on it, if it has not instilled enough confidence in people for them to nominate to it? Will the Minister of State set a limit of a few weeks from today for participation, after which he will take decisive action? If he fails to do so, he will do the entire industry a grave injustice. The Minister of State mentioned last March, but this is the end of the year and we are now going into 2006 without anything having happened. At the same time, seed mussels have created a great deal of potential and are one of the biggest generic industries in the State. Cross-Border co-operation is also relevant here, since British vessels are flouting the law. People entitled to fish in the Irish Box are receiving no support since it is not in any way reciprocal.

The industry representatives say that SMAC is not a legal entity and that they do not recognise it. What does the Minister of State say to that?

Mr. Gallagher: There was an exchange of correspondence between the Department and several stakeholders, both individually and collectively, and the view they take is that it is not a legal entity. The advice that I have received is that it is legal and that we are bound by the March 1964 Voisinage Agreement.

I do not know what the best decisive action on my part might be. However, I would have the support of all sides of the House in inviting the industry to become involved in SMAC. That would certainly move the agenda on. I fully agree with Deputy Perry that the mussel seed allocation is extremely important. In 2004, allocations totalled 36,900 tonnes and the uptake amounted to 20,700 tonnes. Production of mussels from that seed on Irish aquaculture sites amounted to 28,000 tonnes, valued at €21 million, making it extremely important to in-shore fishermen. At the expense of repeating myself, I want to see the industry participate. No management regime can make progress without all stakeholders being involved.

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

Mr. Gallagher: I will supply it to the Deputy.

Industrial Relations.

86. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will report on the current industrial relations

situation at An Post; if a final resolution to all present industrial relations matters can be expected; and if he will make a statement on the matter. [34714/05]

88. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has studied the underlying causes of industrial unrest at An Post; his proposals for the provision of postal, delivery and counter services in the future having particular regard to the degree to which the public relies on and requires such a service; his proposals both short and long-term in this regard; and if he will make a statement on the matter. [34908/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 86 and 88 together.

The current dispute in An Post is a serious national issue and one in which every effort is being made to reach a timely and viable resolution. It would be helpful if I outline the background to the current industrial relations problems at An Post.

I emphasise that An Post has been through a protracted process that began in 2003 following the disclosure of serious losses by the company. On foot of these, which amounted to €43 million alone in 2003, the Government asked the board and management of the company to prepare a recovery strategy to return An Post to financial solvency. This strategy, in setting the way forward for the company, has assumed significant changes in work practices, tariff increases and the payment of wage increases.

The plan was presented to An Post trade unions in late 2003. The Communications Workers Union withdrew from negotiations in December 2003. In recognition of the dire financial position facing the company, An Post invoked the inability to pay clause available under Sustaining Progress.

Following industrial action in the Dublin mail centre in March 2004, the Labour Relations Commission was asked to become involved in resolving the industrial relations difficulties. The two parties spent from April 2004 to November 2004 in the LRC. The proposals arising out of the LRC were put to the CWU membership and turned down by the union. The outstanding issues were then referred to the Labour Court for resolution.

On foot of union concerns that An Post management had no real experience of the postal sector, the Labour Court appointed a three-person expert group to come up with a workable proposal on collection and delivery that would be acceptable to members of the Communications Workers Union. That group spent six months working on a comprehensive proposal regarding collection and delivery, which was published in July 2005.

In the early part of 2005, the An Post group of unions referred the non-payment of Sustaining

Progress to the LRC, as provided for under the Sustaining Progress agreement. The LRC appointed assessors to examine the claim. The assessors report recommended that having regard to An Post financials, 5% should be paid to employees, backdated to 1 January this year. That recommendation was accepted by An Post management and rejected by the CWU.

The Labour Court issued a comprehensive recommendation which outlined that the acceptance of the deal on collection and delivery would trigger payment of the bulk of Sustaining Progress. The Labour Court deal would have allowed a postman to obtain a 9% pay increase this year on top of a 5% Sustaining Progress pay increase already made, giving a total increase of 14%.

The Labour Court recommendation was considered by the executive of the CWU but was not put to a ballot of members. Instead, the union decided to ballot for strike action on the non-payment of Sustaining Progress. After a vote for industrial action, the union gave two weeks' strike notice to the company, ending on Friday, 4 November.

At no stage have I apportioned blame to one side over the other. I have stated the facts as they are and the history in An Post over the last ten years has not been great. The industrial climate in the company has been characterised by agreement to and payment for industrial relations agreements but little actual delivery on the ground. Payment up front means that the company pays for change but subsequently only gets partial benefits and thus worsens an already fragile financial position.

Both the Taoiseach and I have emphasised to both the management and unions of An Post that the only way forward is for both parties to agree a deal within the parameters of the Labour Court recommendations. While I have recently met both management and the CWU in an attempt to overcome the impasse, I requested the national implementation body, NIB, to invite both parties to sit down separately with a view to resolving the dispute. The talks began on 2 November, with a breakthrough occurring late on Sunday, 6 November.

I understand that, at an emergency meeting of the CWU's disputes committee, held on 7 November, it was agreed to defer strike action for a week pending an independent assessment of the costs of changes in work practices that is to be carried out by external accountants. The NIB met the management side yesterday and the CWU and has indicated that the process initiated in conjunction with the accountants would be finalised today. The NIB proposes to meet the parties this evening and has requested that they refrain from comment and treat the accountant's report as confidential for a period of 24 hours after it is presented.

A recent and very positive development in the resolution of the company's difficulties concerns a separate claim submitted by the other unions in

An Post, the AHCPS, the PSEU and the CPSU. On 1 November, the Labour Court issued three new recommendations, advising that members of these unions are to receive the Sustaining Progress increases as set out in the Labour Court's July recommendation. The court found that these unions' members had either implemented work practice changes required of them or had committed to doing so. The recommendations were accepted by the company which stated that workers and pensioners concerned would receive these increases shortly.

There will continue to be a key national role for An Post, both in delivery of mail and as a quality service provider through its nationwide network of post office outlets. The market for traditional postal and post office services is changing globally and meeting customer needs has become more important than ever. To remain competitive, An Post needs to make the best possible use of its long-established and trusted brand name and deploy its resources in a manner which continues to serve existing customers' needs and attracts additional customers for a range of new services.

The simple fact remains that the company needs to introduce modern work practices if it is to thrive in a competitive environment. I want to see An Post continuing to deliver a high quality postal service to the people. To enable the company to provide this service, the archaic work practices that the workers themselves have acknowledged are archaic need to be changed.

Mr. Broughan: Will the Minister provide the House with the information on the number of An Post pensioners who have died in the past three years since the failure of the An Post company to pay its due cost of living increases? I am led to believe that 74 An Post pensioners died in that period and did not receive their due increases.

The Minister said in his reply that he did not take sides in this dispute but is it not the reality that he did take sides? A few weeks ago he blatantly took sides and tried to portray An Post workers, the postmen and women of this country, as lazy, overpaid, pampered workers who were only doing three or three and a half hours' work a day. Is that not what the Minister said about the postal workers of this country? He blackguarded them in a disgraceful manner and presented them as lazy, unproductive workers when he knew that was not the case. All he had to do was go into his local post office in Navan or Trim to see that was not the case. Instead, the Minister blackguarded the postal workers of this country and made the resolution of this dispute more difficult when he knew the reality that delivering the post day in, day out to 600 or 800 houses is a very tough job. The only other members of a profession who know how tough it is are politicians because we go door to door all the time. The Minister did that only recently with his "Dempsey Delivers" posters, although he has not delivered.

Mr. N. Dempsey: Does the Deputy have a question?

Mr. Broughan: Where did the Minister get the information on work practices? Was it not disgraceful that in the middle of this delicate dispute, the Minister threatened An Post workers and communities throughout the country with immediate privatisation and liberalisation? He said a few weeks ago that he would do that if necessary. That was the Minister's way forward. When politicians meet our constituents who are postal workers or when we call into post offices, is it any wonder that we find they are hopping mad and very upset because they believe the Minister, as their guardian, and the media have not given them a fair crack of the whip and have presented this dispute in outrageous black and white terms when everybody knows there are issues to do with electronic substitution and deregulation which have not been presented. The Minister has performed badly in this dispute.

My final point relates to management. This management has created a poisonous industrial relations climate, one of the worst I have ever seen. It has created a logjam but instead of the Minister telling the chief executive and chief operations officer that it is time for him to make changes in the management of An Post, he ensured they got bonuses. They destroyed the universal service obligation and reduced it by approximately 20%—

An Leas-Cheann Comhairle: A final question please, Deputy.

Mr. Broughan: —but the Minister's only action was to give them significant bonuses of tens of thousands of euro and a €50,000 bonus for the chairperson. Is that not a ridiculous way for a guiding Minister of an important semi-State body to carry on?

Mr. N. Dempsey: Deputy Broughan would be the first to jump up and down in this House if I, as Minister, started interfering with the appointment of anybody in An Post, even a postman. I am sure he would be highly irate about that. Questions of appointment, management and so on are matters for the board of An Post, not the Minister. It is important that it should be so.

I agree that the industrial relations climate in An Post is poisonous. Unlike Deputy Broughan, however, I do not attribute this to one side or the other. Such an approach will not solve any of the problems. I am the guardian of neither the workers nor the management of An Post.

Mr. Broughan: In the United States, the Minister would be the postmaster general.

Mr. N. Dempsey: As Minister, I have a responsibility to this House and to the public to

ensure we have a postal service that works well into the future.

When one spells out realities, it is sometimes difficult for people to accept that one is doing anything other than issuing threats. In response to a query about what would happen in the event that a resolution could not be found and the postal service were to grind to a halt for an indeterminate period, I simply answered that another postal service would have to be provided. This development is already happening in any event. The liberalisation of the market will take place by 2009. The report by Mr. Paddy Walley for the CWU recognised that there are archaic work practices in An Post. We should not fool ourselves in this regard. There is a problem in the company and it will not be solved by either side refusing to change. In fairness, both sides have indicated in the last week to ten days that they are prepared to work towards a resolution.

I did not try to portray the post office workers as lazy, pampered or unproductive. I did not blackguard them.

Mr. Broughan: The Minister said they worked for three hours a day.

Mr. N. Dempsey: I gave answers to questions that were put to me, the information for which was available to me from the Department and from An Post workers and managers. I did not at any stage say that all workers work for three and a half hours a day. That is the case for some, however.

Mr. Broughan: Who are they?

An Leas-Cheann Comhairle: The Minister should be allowed to continue without interruption.

Mr. N. Dempsey: In response to specific questions, I told the truth as I know it and as it is confirmed to me. I blackguarded nobody. If people have a problem with the truth, that is their problem rather than mine. Little service would be paid to An Post workers and management, or the general public, by making this issue into a political football.

Mr. Broughan: That is what the Minister did.

Mr. N. Dempsey: There is a problem in An Post that must be resolved. That will only happen by the two sides talking to each other. I have made this clear from the beginning.

Regarding the number of pensioners, I was informed by the union, but cannot verify this figure, that some 74 pensioners have died in the last number of years without receiving their payments under Sustaining Progress.

Mr. Broughan: That is very sad.

Mr. N. Dempsey: It is very sad. The sooner the union and management reach an agreement, the sooner those pension increases will be paid. These pensioners are the unfortunate losers. I again urge both sides to work together on foot of the report they will receive this afternoon to resolve the issue for the benefit of An Post pensioners, workers and consumers.

Mr. Durkan: Will the Minister comment on what has happened in the last 12 months? For instance, is he satisfied that adequate action and intervention have taken place to attain a resolution of the problems? Does he not accept that his intervention took place at the 11th hour, constituting a fire brigade action in keeping with the standard reaction in this matter? One of the underlying problems in An Post is the non-payment of pension entitlements to former employees of An Post. Does the Minister agree this is a mean, stingy and insulting action? Should it not be a first principle that the issue is resolved for those who are retired? They should not be penalised. It is an appallingly stingy action to withhold payment from them and it serves no useful purpose.

Will the Minister indicate whether he has ascertained the estimated financial costs of meeting the issues that are the cause of this dispute? Was it beneficial to this debate to read in the newspapers the salaries and overtime of the ten highest paid postmen in the Dublin area? It might have been more helpful to also include details of the ten lowest paid postmen or sub-postmasters. Would this not have been far more constructive in the context of the appallingly poor labour relations in An Post?

The Minister was making deliveries in Trim and Navan recently. Does he intend to have to deliver the post soon?

Mr. Broughan: He may end up doing so.

Mr. Durkan: Does the Minister see a future for a national postal service, as we have had in the past, or has he made up his mind about something else? His statements suggest he has something else in mind that might be better. In those circumstances, I remind him of the various other utility services previously in public ownership. What benefit has the consumer received from the changes in this regard?

What has the Minister done in the last 12 months, by way of policy directive, to encourage the expansion of the scale and scope of the services available through An Post? I have observed elsewhere that the updating of the electoral register might be a useful exercise which An Post workers, who visit most doors on a regular basis, could undertake. The Minister for the Environment, Heritage and Local Government opined publicly that this would be a good idea but there has been no further response. Has anything been done in this regard?

Mr. N. Dempsey: I have met members of the union executive some half a dozen times in the last year. During that time, I have also met the company management on a number of occasions. I do not wish to go through the entire industrial relations machinery of the State which has been employed in this matter. I know Deputies opposite must say something on this issue. However, discussions were ongoing in the LRC, a technical group was established to examine the implications of the proposals and the Labour Court, Mr. Peter Cassells and a range of other bodies were involved in its resolution. If the Minister of the day intervened in An Post and got between union and management, I know what the Deputies opposite would say. I am satisfied that over the past 12 months I did everything I possibly and legally could do without upsetting the industrial relations machinery to bring both sides together to resolve the matters and avoid a strike. At no stage was there any fire brigade action.

The problem with the payment of An Post pensioners stems from the precedent established by the laws on pensions. Pensioners are paid *pro rata*—

Mr. Broughan: Some of them are civil servants.

Mr. N. Dempsey: —as wages are increased in the public service.

Mr. Broughan: What about civil service entitlements?

Mr. N. Dempsey: That is a separate issue.

Mr. Broughan: It is not. That is at the core of the problem.

An Leas-Cheann Comhairle: The Minister without interruption.

Mr. N. Dempsey: The principle of parity between pay and pensions is extremely important to pensioners as it is a protection for them that the link is not broken. Despite efforts that were made—

Mr. Broughan: It was not there to be broken.

Mr. N. Dempsey: —it was believed it should not be broken. That was in the best interest of workers and pensioners.

Mr. Durkan: It was not in the best interests of industrial relations.

Mr. N. Dempsey: I would love to pay An Post pensioners at the moment.

A variety of different figures exist on the financial costs of resolving this dispute. It is not just a question of cost but of savings by changing

[Mr. N. Dempsey.]

archaic work practices. Various figures have been bandied around ranging from €10 million to €20 million to €32 million. It is not an exact science.

Mr. Broughan: What about the net cost?

Mr. N. Dempsey: The important issue is the changing of work practices to ensure the company's future viability. If Deputy Durkan is insinuating that I was behind the release of information on the salaries of the ten top-earning postal workers which appeared in newspapers—

Mr. Durkan: It is out. Someone had to do it.

Mr. Broughan: Some malicious spinner.

Mr. Durkan: I did not insinuate anything. I simply laid it out for comment by the Minister.

Mr. Crowe: We believe the Government did not do that.

Mr. N. Dempsey: —he is wrong. I have no idea what the top-earning or low-earning postal workers are being paid.

Mr. Durkan: Who did it then?

An Leas-Cheann Comhairle: Order.

Mr. N. Dempsey: I suggest the Deputy takes the matter up with the newspapers and asks them for their sources.

An Leas-Cheann Comhairle: I call Question No. 87.

Mr. Durkan: What about the alternative services? The Minister did not answer my question on them.

An Leas-Cheann Comhairle: I call Question No. 87.

Mr. Durkan: This is another case of Dempsey failing to deliver again.

Mr. N. Dempsey: I would have answered the question if I was not interrupted.

Marine Rescue Service.

87. **Mr. J. Breen** asked the Minister for Communications, Marine and Natural Resources the delay in providing the Doolin Coast guard search and rescue service with a new station at Doolin (details supplied). [34718/05]

Mr. Gallagher: I am conscious of the need for a new station house for the coastal unit at Doolin, County Clare and want to see it provided as quickly as possible. The Irish Coast Guard and the Office of Public Works have been doing

everything they can to acquire a suitable site in the area, but despite intensive local discussions and negotiations it has not been possible to reach agreement for a site to date.

Real progress was made in negotiations in 2004 and it had been expected that a deal would be agreed, but, due to circumstances beyond the control of the Irish Coast Guard and the Office of Public Works, the negotiations were not successful. Despite this setback, however, efforts were intensified again this year and discussions with a landowner are now at an advanced stage. In view of the need for strict confidentiality in managing such negotiations it would not be judicious to elaborate upon the discussions at this time. As soon as an agreement is reached, the Department will move to complete the development as quickly as possible.

I compliment the Doolin coastal unit for the excellent search and rescue work they have undertaken over many years, some of it in very difficult circumstances. While it is regrettable that attempts to acquire a site have not met with success to date, the provision of a new station house for the Doolin team remains a top priority for me.

The Department and the Office of Public Works will do everything possible to bring these advanced negotiations to a successful conclusion. It is appropriate at this time to sympathise with the families bereaved as a result of a recent tragedy in Doolin.

Mr. J. Breen: I too compliment Doolin coast guard and rescue service. I sympathise with the relatives of those who lost their lives at the recent bank holiday weekend, some of whom are neighbours of mine. Will the Minister of State agree it is a disgrace that the Doolin coast guard and rescue service must operate from a building constructed in 1920? The building has no facilities for showering, tea-making or even a toilet. The radio equipment is stored in an upstairs loft. As there are no stairs to it, the volunteers must climb a ladder to receive distress messages from sea. The building is subject to flooding with the volunteers forced to put sandbags against the doors. Does the Minister of State know that the lifeboat is stored one and a half miles inland and must be taken through Fisher Street in Doolin? During the summer, the street is busy with traffic delays of up to 30 minutes. With two ferries operating off Doolin, how soon could the lifeboat get to them if there is an emergency? This year, 30 rescue missions were undertaken by Doolin coast guard and rescue service.

Will the Minister of State agree that it is the indecision of the Office of Public Works that is holding up the provision of a new site for the service? When his predecessor promised it eight years ago, the Office of Public Works announced the location of the new station. However, it frequently changed its mind on where the site should be located. Such indecision is holding up the provision of a station in Doolin. A landowner is pre-

pared to facilitate a new building at one location. Will the Minister of State support those great volunteers, who give up part of their livelihoods to search for missing people at sea, by providing a new station? Will the Minister of State give me a guarantee that a new station will be built on the latest proposed location before next June?

Mr. Gallagher: I appreciate the difficult circumstances in which the team in Doolin is working. There are 45 coastal units around the State. The Department has a programme in place to provide new stations or extensions and refurbishments to existing ones. In the past 12 months I have had the pleasure of opening many of them. It is not that Doolin is not high on the priority list. The Deputy is correct as the Doolin unit was listed as a priority location for a new station house as far back as 1998. As I have explained, there was a problem in securing a site. It would be wise for us to give the OPW and the IRCG an opportunity to negotiate with the landowner with whom they are in discussions. I hope the matter can thus be brought to a conclusion. We were at an advanced stage last year when a question of confidentiality was raised. The less we say about this matter the better. The Deputy referred to a site that is available and if he wishes to give me this information privately I will be pleased to take it on board and advise the coast guard and OPW accordingly.

I am anxious to provide a modern station at that location. As I come from the north-west coast, I realise only too well the number of missions carried out by all the units throughout the country. These units give their time voluntarily and the least we can do is provide them with modern facilities because they are working in very difficult circumstances. Even if the site were procured today, it would be unwise for me to put my political future on the line by stating that it would be finished by next June. This is taking into account lead-in time, transfer of land, planning permission issues and other matters. I will do my utmost to ensure that the negotiations are brought to a successful conclusion and I will not be found wanting at that stage.

Mr. J. Breen: Even if a site was available in the morning, the Office of Public Works still does not have a design for the building. Surely a design should exist for the building, wherever it will eventually be placed. I hope there is not a rift in the camp between the Minister and the Minister of State, who are sitting very far apart.

Mr. Gallagher: Templates exist and it should not take too long to design a station house. If the process got that far, the Deputy would be reasonably satisfied.

Question No. 88 answered with Question No. 86.

Industrial Relations.

89. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position regarding Irish Ferries; the way in which schemes to outsource maritime jobs will impact on the strategic direction of the National Maritime College and the Irish Maritime Development Office; and if he will make a statement on the matter. [34715/05]

Mr. Gallagher: Talks were held recently under the auspices of the Labour Court, involving Irish Ferries Limited, SIPTU and the Seamen's Union of Ireland. The Labour Court has issued its recommendations on the dispute. The Labour Court operates as an industrial relations tribunal, hearing both sides in trade disputes and then issuing recommendations setting out its opinion on the dispute and the terms on which it should be settled. I urge both parties to give serious consideration to the court's recommendations, as did the Taoiseach when he addressed the issue on Leaders' Questions yesterday.

Maintaining and increasing Irish seafarer employment has been a focus of the Government. We established the Irish Maritime Development Office to provide our shipping and shipping services sector with a dedicated statutory development office. The Irish Maritime Development Office operates like a mini-IDA Ireland and helps my Department to make a case to Government on the sector's behalf. I am requesting the Irish Maritime Development Office to carry out a thorough evaluation of the results of existing strategies to promote the Irish maritime sector, particularly in the light of recent developments. That evaluation will include an examination of the successes achieved to date in promoting the sector and the issues to be addressed.

Following evaluation by my Department, the recommendations of the Irish Maritime Development Office will form the basis of a submission to Government. In 2004 the Government set up a new €51 million National Maritime College to train our merchant marine and Irish Naval Service cadets. Students pursuing careers at sea or in the onshore maritime sector can obtain qualifications or degrees in Europe's most modern nautical college. Together with the National College of Ireland's International Maritime Studies Institute, which opened in 2004 and which is based in the Irish Financial Services Centre in Dublin, the new maritime college will help Ireland to develop as a choice for both sea and shore-based maritime activity.

In the opinion of the Irish Maritime Development Office, there is still strong demand for the employment of Irish officers and cadets, from Irish ship owners other than Irish Ferries and from international ship owners. Part of the examination to be carried out by the development office of the existing strategies to promote the Irish maritime sector will be an assessment of the

[Mr. Gallagher.]

possible impact of the Irish Ferries action on the operations of the National Maritime College and the role of the Irish Maritime Development Office itself.

Additional information not given on the floor of the House.

In that regard, the European Commission is taking an increased interest in boosting seafarer employment in the Community's shipping sector. The Commission recognises that professional mariners often progress from active sea service to shore-based jobs that require maritime experience. It is the experience of other European maritime states that the onshore maritime sector can be of major economic significance.

Clearly the Government's maritime policy extends beyond seafarer employment to include the development of an onshore maritime cluster of marine related businesses. Our maritime sector covers not just the activities of our ship operators, but supporting onshore activities in such areas as freight forwarding, ship broking, insurance and financial and legal services. The Irish Maritime Development Office has estimated that the shipping services sector in Ireland has more than 9,000 employees and had an annual turnover of over €1.4 billion in 2004.

Mr. Broughan: I thank the Minister of State for his reply. The Taoiseach told the Dáil yesterday that the Government had declined a request from Irish Ferries, and its parent Irish Continental Group, to re-register ships with a Cyprus registration. Did the company make an application to re-register with any other countries, such as the Bahamas? On what grounds did the Government turn down the re-registration request for Cyprus?

The Minister of State will have today read that the Labour Party has produced, under my name, the Mercantile Marine (Avoidance of Flags of Convenience) Bill 2005. This seeks to implement into Irish law the UN Convention on the Law of the Sea, requiring ships and companies to have a genuine connection with the country of the flag under which vessels are registered. The Labour Party believes that the Bill is eminently constitutional and possible. Has the Minister of State, in conjunction with the Taoiseach, considered the legislation and will it be supported and brought forward by the Government as soon as possible? We could bring it forward this evening if we so wished.

A Bill was approved a few weeks ago relating to State property in approximately an hour after being announced that morning. Will the Minister of State ensure that the Labour Party's Mercantile Marine (Avoidance of Flags of Convenience) Bill 2005 is immediately passed? This will send a clear message to Mr. Rothwell and Irish Ferries.

What steps, if any, is the Government planning to take at the level of the European Union regarding the disgraceful and appalling proposals

for workers' pay and conditions at Irish Ferries? Between 1998 and 2004, the Government, represented by Deputies Woods and Jacob, with Senator O'Rourke, were responsible for the input into an EU ferries directive. The basic point of this was that the pay and conditions of one of the states between whom the ferry was operating would be the minimum pay and conditions of the workforce aboard. What is being done about this directive, which has been tossed around for six years? There is an allegation that the Government and two of the Deputies were opposed to the implementation of the EU ferries directive.

Has the Department been in contact with Irish Ferries or the Irish Continental Group regarding the significant tax relief that the company receives? Its tonnage tax has been reduced from over €3 million two years ago to only €300,000. Has the company been contacted on the issue of availing of an Irish base that facilitates low taxes, yet treating our workers in a disgraceful manner?

With regard to the so-called cost-cutting measures, is it true that the Labour Court's judgment is the only one that could have been delivered and is eminently fair? There is an agreement covering 2004 to 2007 that was made in a fair and transparent way and should be accepted.

An Leas-Cheann Comhairle: The Deputy's time has run out.

Mr. Broughan: I have a brief addendum. With regard to tax cuts, a few right wing hyenas in the media are advocating this type of regime, where a worker is paid €1 an hour and the manager is paid €15,000 per week.

An Leas-Cheann Comhairle: We must proceed to the next question. We have gone way over time.

Mr. Broughan: Is it not disgraceful that such a manager wishes workers to work for less than €3.60 per hour?

An Leas-Cheann Comhairle: I call on the Minister of State to reply.

Mr. Broughan: What steps will the Minister of State, in conjunction with the Minister, take to resolve the matter and draw a line in the sand, stating that in this country—

An Leas-Cheann Comhairle: I call the Minister of State.

Mr. N. Dempsey: The Deputy's behaviour is disgraceful.

Mr. Broughan: —we will not take this type of abuse of workers from Mr. Rothwell and his ilk? We should lay down a standard and adhere to it.

An Leas-Cheann Comhairle: The Chair has spoken.

Mr. Broughan: What was all the work of past generations for if Irish workers are to be abused in this manner and intimidated? Will the Minister address these six small points?

An Leas-Cheann Comhairle: We have gone over time. We must move on to the next question. The Minister of State should be brief.

Mr. Gallagher: One could resolve the difficulty immediately were the parties prepared to accept the court's recommendations of this week, which I do not have. Formally, it is not seven days but, by the same token, everyone knows what the recommendations are. The Taoiseach made it blatantly obvious that the Government does not condone a situation where individuals, irrespective of where they come from, are being paid less than the minimum wage. This is clear and unambiguous.

As to the question on the Bahamas, it is my recollection that the company was following the *Normandy* and trying to flag out to the Bahamas, which would give it the opportunity to have so-called yellow packs.

Mr. Broughan: Did the Minister of State turn that down?

Mr. Gallagher: On advice, yes. We now have an application for reflagging in Cyprus. We put a number of questions to the company in connection with this on the advice of the Office of the Attorney General. We received replies that were not what we requested. I understand that more comprehensive replies have been made as recently as today. Obviously, I must get advice from the Attorney General before I can deal with the matter.

A number of State aids are in place. Irish Ferries and other companies can take advantage of these, whether it is the special and unique €6,350 income tax allowance available to seafarers who work in excess of 161 days at sea, a corporation profit tax incentive, PRSI or tonnage tax, which—

Mr. Broughan: Has the Minister of State discussed that with the company?

Mr. Gallagher: I have not met the company for a considerable time and certainly not since the announcement of the offer of redundancies.

Mr. Broughan: Did the Minister of State call the company in?

An Leas-Cheann Comhairle: Order, please.

Mr. Gallagher: Like the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, and others, I do not wish

to interfere in internal industrial relations or in the industrial relations machinery of the Labour Court which has served us well. I recently met representatives of the unions, such Mr. David Begg of the Irish Congress of Trade Unions, representatives from the Seamen's Union of Ireland and people from SIPTU. They made a number of suggestions about what I could do in respect of a tripartite arrangement with the United Kingdom and France. I pursued this and sought advice but I could not do anything in the short term.

In concert with the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, and his officials, we discussed the possibility of introducing legislation to ensure that, irrespective of which country's flag a vessel flies, it must conform with the minimum wage legislation in this country, the United Kingdom or France depending on where they were sailing to and from. There was no legislation we could introduce to do that.

I was in Europe at the time. The Deputy referred to the EU manning issue which was approved by the European Parliament but not by the Council. We had some reservations but, as I have often said, it is much easier to be an historian than a forecaster. Obviously, there were good grounds for the decision at the time but I hope we can pursue the manning directive as it is the best avenue. It is not on the agenda at the moment but I would have no difficulty in trying to promote it in Europe. It may not solve the problem immediately but is essential in the long term. None of us in this House condones—

Mr. Broughan: What about this modest Bill?

An Leas-Cheann Comhairle: We must conclude Priority Questions.

Mr. Broughan: This is very important.

An Leas-Cheann Comhairle: We must conclude.

Mr. Broughan: Just this point.

Mr. Gallagher: I admire any individual Member who tables his or her own Bill. The Irish ship registration legislation is essentially the Mercantile Marine Act 1955. It is being reviewed and a public consultation process is under way. The details of the process are available on a website.

I remind the House and Deputy Broughan in particular that the closing date for submissions is 16 December. The content of the Labour Party Bill can be considered in the review process. If Deputy Broughan and his party meanwhile wish to bring the Bill before the House in Private Members' time, we would not oppose it on Second Stage.

Other Questions.

An Leas-Cheann Comhairle: I remind the House that the supplementary questions on the answers to these questions are limited to one minute.

Prospecting Licences.

90. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources the exploration licences to oil and gas companies that have been awarded in the recent past; the licences he is awarding at present; the licences he intends to award in the future; the number and

location of these licences; and if he will make a statement on the matter. [34532/05]

Mr. N. Dempsey: Details of current licences, including those recently awarded, are contained in two reports published by my Department. The first of these is the six monthly report on licensing presented to the Dáil under section 57 of the Petroleum and other Minerals Development Act 1960. The second is the acreage report, which is published on the Department's website approximately three times each year. Details of the licences and authorisations that have been awarded in the recent past are as follows.

Exploration Licences.

Option No.	Option Period	Block Nos.	Area (km ²)	Participants (* = Operator)	% Interest
1/05 Frontier	20 January 2005-19 January 2020	13/7, 13/11 (p) & 13/12 (p)	408.29	*Lundin Exploration BV Island Donegal Limited Ramco Donegal Limited Petroceltic Erris Limited Sunningdale Donegal Basin Limited	35 26 19.25 16.25 3.5
2/05 Frontier	1 July 2005-30 June 2021	12/6, 11/10, 11/15 & 12/1	932.18	*Shell E&P Ireland Limited Eni Ireland BV. OMV (IRELAND) Exploration GmbH	50 40 10
3/05 Frontier	1 July 2005-30 June 2021	18/10, 19/1 & 19/6	715.58	*Island Oil and Gas plc	100

P — part block.

Other authorisations, other than exploration licences, issued during the period include:

Licensing Options.

Option No.	Option Period	Block Nos.	Area (km ²)	Participants (* = Operator)	% Interest
05/1	1 January 2005-31 December 2006	49/13 (p)	115.67	*Milesian Oil & Gas Limited	100
05/2	1 January 2005-31 December 2006	48/21 (p) & 48/22 (p)	142.69	*Milesian Oil & Gas Limited	100
05/3	1 April 2005-30 September 2006	41/29 (p), 41/30 (p), 50/3 (p), 50/4, 50/5 & 51/1 (p)	841.56	*Providence Resources plc	100

P — part block.

Petroleum Prospecting Licences

Licence No.	No. of Years	Licence From	Licensee
1/05	3	1 January 2005	Milesian Oil & Gas Limited
2/05	3	14 June 2005	Trans-International Oil Exploration Limited

Petroleum prospecting licence 3/00 — Shell E&P Ireland Limited — expired on 7 June 2005.

Currently, my Department has received two applications to convert licensing options to exploration licences, one onshore and one off-

shore in the Celtic Sea. Details will be published if and when the licences have been issued and signed. As regards licensing in the future, a licensing round has been announced over the Slyne-Erris-Donegal area with a closing date of 15 March 2006. It is not possible at this stage to say

how many applications will be received or licences issued.

Mr. Durkan: Is the Minister also answering Question No. 310?

Mr. N. Dempsey: No, just No. 90.

Mr. Durkan: They are related.

An Leas-Cheann Comhairle: It has been submitted for written answer and cannot be answered now.

Dr. Cowley: We have heard the pantomime story of Jack and the Beanstalk, which is occurring here. For a handful of beans the Government gave away our natural resources, including those we do not even have. Like foolish Jack, it took the beans and did not expect to get anything from the deal. Unfortunately, this is not a fairy tale. We are the ones who are suffering. People are lying on hospital trolleys and there are no ambulances based within 20 miles of three areas in the Health Service Executive western area. There are only two ambulances to cover the entire county of Mayo which has 120,000 people. We are suffering. Going back to Mr. Ray Burke in 1987 and the Taoiseach later——

An Leas-Cheann Comhairle: Is the Deputy putting a question to the Minister?

Dr. Cowley: We can surely do something. There is no need to tie the hands of the Dáil for 15 years. If the companies are cute, this is exactly what they will get. They may even get 19 years. We are giving them something for which they need not do anything except promise to drill. Even after this, they do not need to drill. Why not give them licences for only five years as, at present, they do not need to decide to do anything with them? Why tie up all our resources for so much time? Can something not be done? People are suffering.

The Minister said that the number of hits is small. In fact, the number is quite high. When one considers what can be done in Norway, which owns 25% of the Corrib gas field, why can we not do the same? Some people say the Minister should not have given those licences as the companies were doing nothing for them.

An Leas-Cheann Comhairle: I remind the Deputy of the time limit.

Dr. Cowley: Why did the Minister not give five-year licences, which would have been rational?

Mr. N. Dempsey: We can talk about all the fairytales we like but there is no point in being “Alice in Wonderland” on this matter. We can barely give the licences away at present, of which the Deputy should be well aware.

Dr. Cowley: The companies are holding on to them.

Mr. Broughan: A few months ago the Minister said there were no licences.

Mr. N. Dempsey: Were I in this House at Estimates time with a different licensing regime or a State exploration company looking for €100 million to drill five wells where we had a hit rate of one in 30 over the past 30 years, I could imagine what the Opposition would say. We would be hearing from Deputy Cowley——

Mr. McGinley: When they come back in for another licence.

Mr. N. Dempsey: ——again and hearing about the hospitals and the ambulances. He would remind us it was a waste of money with no return for it and no likelihood of any return. The Deputy cannot have it both ways. Since 1971 we have had 121 exploration wells. Just four of those wells have been successful: Kinsale in 1971, Ballycotton in 1989, Corrib in 2001 — with which the Deputy will be very familiar — and Seven Heads in 2002. There has been one commercial discovery for every 30 exploration wells drilled. This means 30 exploration wells at a minimum cost of €20 million each. The Deputy can do his own sums.

Mr. Broughan: What about the Kinsale profits?

Mr. N. Dempsey: I can imagine what he would be saying to me on that matter if the Government was spending its money in that way.

Dr. Cowley: I remind the Minister that is the story they give him when the beggars come looking for another licence. That is the line they give him when he and the Department know well there is much more out there which they are not saying anything about. That is the reality.

The oil companies are playing ducks and drakes with the Department and the Minister. They welded together 1.5 km of pipe without the Minister’s permission. That is what they think of him. They undervalued Corrib when they said it was worth €2 billion. The Minister of State, Deputy Parlon stated recently it was worth £2 billion. Its actual worth is €16 billion.

An Leas-Cheann Comhairle: A question, Deputy.

Dr. Cowley: They are playing ducks and drakes with the Minister. How can he trust them? I suggest he give them the licence for five years. Some might ask why give it to them at all. Technology is advancing all the time. Why should the Minister tie his hands for more than 19 years? I ask him to be rational.

Mr. Broughan: May I add a tiny addendum?

Mr. N. Dempsey: I did not hear a question yet.

An Leas-Cheann Comhairle: I hope it is a tiny addendum. A question, please.

Mr. Broughan: I welcome the Minister's answer to Deputy Cowley which is very informative. He told *The Sunday Tribune* a few weeks ago that——

An Leas-Cheann Comhairle: A brief question, please.

Mr. Broughan: The Minister said he would re-examine the regime but he seems to have changed his mind. Has he changed his mind on the matters raised by Deputy Cowley? Does the Minister agree it is valuable to report regularly on licensing terms and licences to this House? I remind the Minister that is another Labour Party Bill.

Mr. Durkan: Will the Minister indicate to the House whether he has reviewed the conditions of the exploration leases? Has he identified any areas where he might revise and review the position with a view to giving greater benefit to the economy?

Mr. N. Dempsey: Deputy Cowley made a statement rather than asking a question about me being real about this issue.

Dr. Cowley: The Minister should limit it to five years.

Mr. N. Dempsey: The Deputy is suggesting we leave the gas and oil out there and I do not agree with him.

Dr. Cowley: Will the Minister agree to limit it to five years?

Mr. N. Dempsey: It would do nothing to help the economy to leave that oil and gas off the west coast or anywhere else.

Dr. Cowley: Why should the assets be tied up by giving companies 19 years? There is no rationale for that.

An Leas-Cheann Comhairle: Order, please.

Mr. N. Dempsey: The Deputy should not be talking about helping hospitals and ambulances and everything else by making a silly suggestion to leave natural resources and not exploit them.

Dr. Cowley: Why not just give it to them for five years and take it back if they do nothing with it?

Mr. N. Dempsey: In answer to Deputy Broughan's question, the information which the Deputy requires is published every six months. A

licensing report is available and published every six months under section 57 of the Petroleum and other Minerals Development Act. Another report is published approximately three times a year which refers to the specific acreage. Both reports are available on the Department's website.

With regard to a review of the licensing terms, I have indicated in the past that if we were in a position where we had a higher hit rate than at present, I would then agree to a change in the terms and conditions of licences rather than the State setting up its own exploration company.

In response to Deputy Durkan's question and part of Deputy Broughan's question, I am reviewing one area. Depending on receipt of further information, I will consider changing the terms and conditions of the licences. If there is sufficient evidence that it may be a viable well, I will consider changing the terms.

An Leas-Cheann Comhairle: We are well over time. We must proceed with Question No. 91.

Dr. Cowley: Why should the Minister give them a licence for 19 years?

Mr. N. Dempsey: Nobody will take it even for 15 years.

Dr. Cowley: The Minister should consider the facts. He is giving it to them for 19 years. We will be 19 years without resources.

Mr. N. Dempsey: They will not take them.

Dr. Cowley: The rational thing to do would be to give them for five years. Why should the Minister give them for 19 years? They are so cute and they will have them for 19 years. Why not give them for just five years? If they do nothing with it then it should be taken back.

Mr. N. Dempsey: If the Deputy asks a question he should listen to the answer.

An Leas-Cheann Comhairle: Order, please.

Dr. Cowley: I have listened to the answer but it is not making sense.

Mr. N. Dempsey: The Deputy is not listening.

Dr. Cowley: The Minister is just leaving it to them.

Fisheries Protection.

91. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources if his Department has received formal notice from the European Commission regarding the effects of drift netting on the conservation status of salmon; if such a letter is the first step in an

infringement procedure against Ireland in respect of its failure to meet its obligations in respect of salmon, which enjoy a special status in certain designated special areas of conservation under the habitats directive; if he has responded to the Commission regarding same; and the nature of that response. [34548/05]

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. That Department received a letter of formal notice from the European Commission dated 5 July 2005 regarding a complaint made to the Commission that Ireland is not managing drift net fishing for salmon in accordance with the directive. As the complaint concerns drift net fishing in Irish waters, the Department of Communications, Marine and Natural Resources has worked closely with the Department of the Environment, Heritage and Local Government on drafting a reply to the European Commission's letter. This response has now been forwarded to the Commission. As the correspondence between the European Commission and the Irish authorities may be considered an initial step in possible infringement procedures against Ireland on this issue, I am advised that the matter remains *sub judice* and therefore I cannot comment on the exact details of our response at this time.

The Deputy will be aware that as Minister of State with responsibility for the marine, I rely on the advice of the National Salmon Commission, which is a statutory advisory body, in determining conservation and management measures for the wild Irish salmon fishery. The statutory terms of reference, which I have recently provided to the salmon commission, require, *inter alia*, that any practical recommendations made to me having regard to the conservation, management, protection and development of the national salmon resource must be considered in the context of national obligations under relevant legislation of the European Union. I am satisfied that these terms of reference will ensure that the advice provided to me by the National Salmon Commission for the 2006 salmon fishing season and beyond will take account of the requirements of Council Directive 92/43/EEC, otherwise known as the habitats directive, in so far as they apply to the wild salmon species.

Mr. Eamon Ryan: I am slightly amazed that the Minister of State cannot tell me anything about the nature of the communication between his Department and the European Commission. During several referendum campaigns and during the Nice treaty referendum campaign in particular, I remember there was a commitment and an assurance that the European Union was open-

ing up and that it was possible for national parliaments to be involved in some way in the process of interaction between the State and the Commission. The Minister of State has said he can tell me nothing about the nature of the correspondence and the nature of his response. This is a terrible indictment of the system, whether the problem stems from the Commission or from Ireland. It is not appropriate for this Parliament to be kept blind and ignorant of any such correspondence and developments. This goes against the principles of openness and transparency and good government both here and in the European Commission.

An Leas-Cheann Comhairle: The Deputy must ask a question.

Mr. Eamon Ryan: Who raised with the Commission the original concern regarding Ireland's possible breach of the habitats directive? Is the House to know nothing about these proceedings? Is the letter from the Commission the first step in a formal case being taken against Ireland regarding infringement of procedure or does this come later? If the Minister of State is unable to inform the House now, when at any stage will this Parliament have a role or possibility of discovering the circumstances of this issue? How do I, as an elected representative with an interest in this issue, find out information if I am unable to do so by asking questions in my national Parliament?

Mr. Gallagher: I will certainly not hide behind any directive but I am advised, because this is an initial step in possible infringement proceedings against us, that the matter remains *sub judice* and that I cannot therefore comment on the exact details of the response at this time. It may well be that the European Commission is prepared to give that information but, from my experience of it, I doubt that very much because it could prejudice any case that may be taken. In 2003, the EU Commission, that is, the Directorate General Environment which deals with the Habitats Directive, first notified the Irish authorities of complaints received from a UK source which contend that Ireland's approval level of drift-net fishing for Atlantic salmon represented excessive exploitation which was affecting the number of salmon returning to the rivers.

The Commission has received a complaint but it will not take a decision until it has all of the information. The Commission asked the Department of the Environment, Heritage and Local Government to respond. We have worked closely on this. One of the officials in the Department of Communications, Marine and Natural Resources was in Brussels recently and that official, in conjunction with the Department of the Environment, Heritage and Local Government's section dealing with the Habitats Directive, responded. In both our response and in our discussions with the Commission to date, we clearly

[Mr. Gallagher.]

outlined the management regime in place and how our policies and strategies are in keeping with our obligations under all of the relevant EU legislation. I will not waste the time of the House because Deputy Ryan knows well the steps that have been taken and it is not necessary to elaborate on this. If there is any further information I can give the Deputy or the House without affecting the *sub judice* aspect of this, I will be glad to provide it.

Mr. Eamon Ryan: Can the Minister of State confirm that it was the UK Government that made the original complaint in 2003? Given that the complaint is two years old, if the Commission decides that there is a case to answer, whatever about the Minister of State's reassurance in that regard, and that it may be decided to be in breach of the Habitats Directive, how quickly could the Commission enforce an end to the current practice? Could this put an end to the current practice before next season is out or what is the typical time frame before a decision is implemented? Given that we have already responded with information from our side, could the Commission make an immediate decision and direct Ireland to change its practices accordingly?

Mr. Perry: On the infringement case, I am somewhat disappointed. I agree with Deputy Ryan. In light of the possible infringement of the Habitats Directive, why is this information not in the public domain? In light of the fact that the Minister of State ignored scientific recommendations on the number of salmon that could be caught and the number of licensees, is he adding to the infringement possibilities? Can he indicate how many salmon were caught in commercial nets this year?

Mr. Broughan: Having read the instrument on the National Salmon Commission, is it the case that the new report contains a compensatory mechanism? Did I read it correctly? Could there be a compensatory mechanism, possibly mentioned here on budget day or whenever?

Mr. Gallagher: First, I do not know who it was, whether it was the UK Government, an individual, a group or a company.

Mr. Eamon Ryan: Could the Minister of State make that information available?

Mr. Gallagher: If it is available. I will have to clear that with the Commission. I am sure Deputy Ryan, above all, would not want me to do anything which might prejudice the outcome.

We responded to that complaint in November 2003. We provided the detailed information on the management regime and no response was received from the Commission until July last. They have requested further information and

now we have responded to that as expeditiously as possible.

In answer to Deputy Perry, this year I accepted the advice of the National Salmon Commission, as did all my predecessors since the establishment of that commission. I do not have the information on the number of fish. It is important to note that 94% of those catching salmon by way of drift, draft, snap or loop are compliant.

I do not know if these are Deputy Perry's views. Deputy McGinley referred to Deputy Perry, but I know Deputy Perry does not represent the views of my constituency colleague, Deputy McGinley when he suggests that we should lower the tack.

An Leas-Cheann Comhairle: That concludes the questions for today.

Mr. McGinley: On a point of order, I protest most vehemently. I had the third question of the ordinary questions for oral answer today and I have been sitting here since a 3.15 p.m. waiting for my turn. It is disgraceful that we only got as far as the second oral question. I make this protest in the strongest possible terms because it also happened a fortnight ago that I had a question tabled under similar circumstances — second or third on ordinary questions — and I did not get a reply. It is an infringement of the order of the House that the third question is not taken.

I had an important matter about my constituency to discuss, the critical economic situation and unemployment in an important town which the Minister of State knows well, Killybegs, and south-west Donegal. People wanted me to raise this and I waited and waited. I was confident that I would get to it today because the question was such a high priority on the Order Paper. I am very disappointed that the question has not been taken.

Something must be done. It is disgraceful that the third ordinary question cannot be taken. I do not know what redress I have. I must now wait another month before I can raise this in the Dáil.

An Leas-Cheann Comhairle: I agree with the Deputy. For example, priority questions are supposed to be finished within 30 minutes. In spite of the Chair's best efforts, they took 54 minutes today. It is Members who are preventing other Members from having their questions taken. The Chair appealed numerous times today for Members to abide by the Standing Orders that have been set down by the Members and the appeal was totally ignored, time after time. It is unfair to Deputies like Deputy McGinley, who has been sitting here to have his question attended to, but it is due to the action of other Members who exceed their time and ignore the Chair. I hope, arising from what Deputy McGinley has said, some action will be taken to get Members to abide by the rules to which they have agreed. We cannot have a lengthy discussion

on the matter. All I am saying is that Deputy McGinley's complaint is justified.

Mr. McGinley: I appreciate your concern and understanding. I have been long enough in this House to remember that 20 ordinary oral questions used to be taken on a regular basis and now we are not able to take even three. It is disgraceful. I hope it will be reformed. I hope it will never happen again. I hope it never happens to me anyway. I am sure I speak on behalf of many ordinary Members of this House who have been treated in a similar way.

An Leas-Cheann Comhairle: Members should abide by the rules of the House and should abide by the Chair.

Mr. Crawford: So should Ministers.

An Leas-Cheann Comhairle: I appealed on numerous occasions during questions for Members to be brief and to stay within the time limits, but I was totally ignored on the issue.

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 Finneran — if the Minister will respond positively to a request by Muintir na Tíre that his Department make a subvention towards the cost of installing socially monitored alarms for the elderly; (2) Deputy Finian McGrath — the Hynes report dealing with the Peter McKenna case; (3) Deputy Sargent — the way in which a thorough cost-benefit analysis will be performed on the proposed new runway at Dublin Airport; (4) Deputy Morgan — the necessity for the Minister to make a statement on Doyle Concrete in Rathangan where workers at the plant have been on strike since 5 October and the fact that the company has rejected a labour court recommendations in respect of the matter; (5) Deputies O'Sullivan and Costello — the loss of resources to teachers in disadvantaged schools by the use of the weighted model for their allocation for special educational needs; (6) Deputy Cowley — to ask the Minister if his Department has plans to privatise the refuse service throughout the country in light of the recent decision by Mayo County Council to privatise its refuse collection service; (7) Deputy Deenihan — the problem with the anti-social behaviour in Tralee, County Kerry, which is a source of considerable concern to the local GRA representatives in Kerry, the Tralee Taxi Association and many community organisations; and (8) Deputy Paul McGrath — the hardship being suffered by a student who has applied for a higher education grant because of

the delay within her Department to approve the application.

The matters raised by Deputies Finian McGrath, Sargent, O'Sullivan and Costello, and Paul McGrath have been selected for debate.

Housing Policy: Statements (Resumed).

An Leas-Cheann Comhairle: Deputy Crawford has seven minutes remaining.

Mr. Crawford: One reason I raised the issue of the disabled person's grant is because of a problem experienced by a constituent from County Cavan. My secretarial staff have been trying to deal with it. The constituent made an application for the grant in the first weeks of January 2004 but a decision has yet to be made thereon. This is totally unacceptable. The problem is such that it is absolutely impossible to get an occupational therapist through the county council and Health Service Executive. The Minister should take steps to restructure the system to ensure disabled people's needs are met.

Another very important support for the elderly is the essential repairs grant, which is made available to carry out reroofing or install heating systems. However, it is very limited and subject to much red tape. If the grant system were organised properly, many more people could remain in their homes at a minimum cost to the Exchequer.

The Health Service Executive's support for the installation of toilets, showers etc. could make life easier for people if they received it. There are many people in poor circumstances who are suffering as a result of delays in this regard, and sometimes they do not have the necessary matching funding. This problem is totally unacceptable.

The Minister and others talked about the general progress made in housing. However, it is very clear that house price inflation over the past ten years has been phenomenal. A private house built in Monaghan town in the mid-1990s cost £87,000. It was sold two years later for £140,000 and four years ago it was sold for £260,000. It is difficult to say what it is worth today but it is possibly worth between €400,000 and €500,000. There is no doubt that the only reason for these high prices is the lack of sewerage facilities, which results in many potential sites being frozen for years. The Government must be held responsible for that. In some cases, temporary sewerage facilities have been provided but this in itself increased the price of houses. I emphasise the serious need for proper facilities to be provided in new housing developments, especially facilities for children and young people. In this age of serious anxiety among elderly people living in isolated circumstances, more sheltered housing is a must.

I recognise the work and plans of Monaghan County Council regarding local authority housing. There are approximately 800 families or individuals on the waiting list for such housing. Plans

[Mr. Crawford.]

have been in place for the provision of 838 houses between 2004 and 2008. Only 53 became available in 2004, but 277 houses are budgeted for this year. Of the 838 houses, we expect the voluntary sector to provide 342 and Part V of the planning and development legislation to result in approximately 230. However, one can be sure that the price of private houses is such that many more people will be added to the local authority housing list. It is vital that we continue to increase the number of local authority houses provided.

While much good work has been done in Monaghan, I must record my disappointment at the failure to secure eight voluntary houses for the small village of Drum, from where my late mother originated. The voluntary housing group and the Department spent four years planning and bargaining, and thus the owner of the site in question lost patience and sold it to the highest bidder. Consequently, local authority housing has yet to be provided in the village.

As a rural Deputy from County Monaghan, I must point out that planning is still the main problem. While statistics can be used to prove almost anything, the reality is that, at a time of population growth across the country, Monaghan has experienced one of the lowest increases. Vast areas of the county continue to experience a decrease. I welcome the efforts of councillors to develop our new county development plan. Without this and proper sewerage facilities in our towns, site prices and house prices will continue to soar.

It is vital the rural population level be maintained so schools, churches and football clubs can be fully utilised and maintained. It does not make sense to force people out of rural areas, thus leaving structures underutilised and placing young families in crowded circumstances.

The sustainable rural housing guidelines issued on 13 April 2005 are certainly being used against sensible housing development rather than for it. I appreciate it is difficult for one law to be considered acceptable and sensible in all counties. Obviously, what is sensible for parts of Meath and Kildare near the edge of Dublin is not logical in many areas of Monaghan and Cavan. Consider the following example of inconsistency in the planning process. Permission was granted for 12 houses on a certain site some time ago after a long planning debacle. A new owner acquired the site and got permission for 49. It is very hard to explain this to the first owner, who has asked for an explanation. Some individuals obtain permission for significant numbers of houses while others are limited to two. It can be seriously difficult to explain why there is one law in one area and a different one in another. The same applies to hipped gable housing and all sorts of developments.

Fine Gael believes an independent commission on rural housing must be given power to recom-

mend changes to the law, if necessary, in addition to developing feasible policy measures to address this complex issue. It must examine existing planning practice, waste management implications and infrastructural requirements. Fine Gael has a strong housing agenda that will tackle the housing crisis. For first-time buyers, it will abolish stamp duty on properties valued at less than €400,000. It will provide for a SSIA-type saving scheme that will give first-time buyers €1 for every €3 saved for a deposit. It will frontload mortgage interest relief to the first seven years of mortgage payments, thus giving help when it is most needed. It will also reform the social welfare code that currently forces young people out of the family home, adding upward pressure on house rents and prices. The income of parents should no longer be taken into account when deciding on the welfare entitlements of those who remain at home.

Another issue with serious implications for a constituency such as Cavan-Monaghan, which has no third level degree college, is that of student accommodation. I listened with great anxiety to a report to the effect that rental charges are increasing. This imposes an enormous burden on families, including those with members working in manufacturing industries, who have to rent flats for the whole year for their dependants in third level institutions. The increase in the cost of student accommodation must be curtailed. There should be more campus accommodation for students — it should have better facilities and be cheaper.

It is hard to understand in Celtic tiger Ireland why there are so many homeless people on the streets of Dublin. This will have to be dealt with very seriously. There may be individuals with serious problems associated with their having fallen out with their families but we must ensure homelessness is no longer an issue, especially in a country that is supposed to be awash with money. It is being spent on other things.

Homelessness is not just a problem in Dublin city. Certain constituents of mine, who have presented their cases in my office, need homes urgently. There should be a bank of homes that can be made available, at a limited level, to such people.

Mr. O'Connor: I am grateful for the opportunity to speak on this important issue. I acknowledge the presence of my friend, the Minister of State, Deputy Batt O'Keeffe, whose

4 o'clock

work I am always happy to applaud.

I do not want to begin my speech at the end but wish to discuss the development of communities, in particular my community of Tallaght. The presence of the Minister of State reminds me that among the points I wish to stress is the need to consider the continued development of fire services in our county, in particular

in the Tallaght area. He has been very supportive in that regard.

It is important that we have taken the opportunity to have this important debate. Housing is an issue that is regularly brought to our attention. As I go about my constituency business — Members will know Dublin South-West embraces not only Tallaght but also Brittas, Firhouse, Templeogue and Greenhills — many people visit my clinic or call to my full-time office in Tallaght to discuss housing which, as other colleagues have noted, also embraces issues such as homelessness and anti-social behaviour. I am sorry it will not be possible to cover all these issues in my short contribution.

It is important the Government understands that housing is a serious issue. When we were young, the first thing we wanted to acquire was a house. I speak as one who moved to the new community in Tallaght with an employer in 1969, having lived in Crumlin and having moved to there from the inner city. The idea of having one's own home and having somewhere to go is very much an Irish tradition. Our policies must try to achieve a situation in which this remains the case for many.

Homelessness is an important issue. In this day and age it is a shame that young people and others are homeless on the streets. As a Dubliner, this greatly concerns me. It also concerns me that homelessness is often hidden in other parts of Dublin, such as Tallaght. If one looks for it, one will find it but it is not as obvious as in the city centre. I am happy to support organisations throughout Dublin which support the homeless and, in this regard, I commend the work of the Tallaght Homeless Advice Unit.

Members have referred to the need for local authority and private housing development. No-one can suggest this issue is no longer a problem. We must continue to apply pressure to ensure housing is delivered. In 2002 South Dublin County Council, of which I am a former chairman, achieved 171 house starts. In 2003 this figure rose to 471 and in 2004 to 585, while there were 129 house starts this year. It is important that all local authorities continue to build houses.

I do not wish to make a political point but when my two colleagues from the Dún Laoghaire-Rathdown area made their points on housing, it struck me that Dún Laoghaire-Rathdown County Council is behind the other Dublin local authorities in this regard. I hope my colleagues opposite will, as I do when required, put pressure on the controlling groups in the various councils to ensure they deliver what is expected. I am sorry for having to make this point but our communities depend on us with regard to housing.

It is important that local authorities do not simply build houses. Having represented Tallaght and served on committees there over the years, I have often heard the point made that Tallaght for

many years had the population of a city but the status of a village. I thank God that this has changed and that huge progress has been made in Tallaght in recent times, certainly since The Square opened some 15 years ago. As the saying goes, much done, more to do. The point must be made to local authorities — I speak in particular for south Dublin and the Tallaght area — that infrastructure and facilities must be built where houses are built. New communities have developed in recent years in my constituency, for example, in Westbrook and the general Tallaght west area, including Ardmore, Carrigmore and Ballycullen. I receive telephone calls daily with regard to deficits in road infrastructure. It is important that local authorities understand that challenges arise in this regard and they must do their job.

I turn to the issue of rented accommodation. I hope my colleague, Deputy Crowe, will not mind me mentioning that he and I both live in Springfield estate in Tallaght, which was developed by McKeown builders in 1972 and in which many of the houses were privately owned. Having bought their houses at fairly cheap rates in 1972, owners were able to take advantage of the price of houses in recent years and there is now a major challenge with regard to the number of rented houses in the estate — I use the word “challenge” advisedly. The Ceann Comhairle will know that Deputy Crowe and I recently put down a joint motion on the Adjournment to discuss the challenges for our local school, St. Mark's of Springfield, where several hundred pupils are of international origin, which creates certain demands.

I am not afraid to point out that while the rent subsidy system has compensated for the lack of permanent housing and has helped many families over the years, not only in Dublin South-West but throughout Dublin and the wider country, it is putting money into a black hole. I am glad that responsibility for the scheme is to pass to the local authorities under the rent accommodation scheme. I hope local authorities — I refer particularly to South Dublin County Council — will take a long, hard look at the system and understand that simply giving out rent subsidies will never allow people to own their homes, as Deputy Catherine Murphy noted, or encourage them to provide wallpaper or carpets for their homes, because they do not own them.

I hope the local authority systems will be stringent. Local authorities should consider the families involved and work to create a situation whereby those families in receipt of rent subsidy would be provided with local authority accommodation. There is no question that building houses through State funding is a far better way to develop than simply giving money to landlords, with all the problems that creates. In that regard, the work of some political activists in my parish gives the parish a bad name. Many good, decent, honest people for one reason or another must

[Mr. O'Connor.]

seek rented accommodation and they should be assisted. It is important when building communities that we ensure all the normal facilities are put in place that would be expected, given good neighbourhood practices. My local community is no different and no worse than any other but it faces challenges and it is important that South Dublin County Council understands the need for action in this regard.

The Private Residential Tenancies Board has much work to do throughout our communities. I brought to its attention issues which need to be addressed throughout my constituency. I hope the board takes a proactive stance with regard to these issues and understands and helps families that need to integrate into communities.

I wish to stress the importance of keeping pressure on anti-social behaviour. I was reared in a corporation estate in Crumlin a long time ago. I have always been convinced that families who were not prepared to be good neighbours and do everything they should in the community should be subject to sanction by the local authority. In all our communities, not just in my constituency, there is an issue as regards anti-social behaviour. I am debating on the subject of anti-social behaviour orders in Trinity College Dublin tonight. Many people argue they are restrictive and unnecessary. However, where families are being terrorised — often single parent families or elderly people — they are entitled to our support. Until somebody can come up with a better system, we must support the families who tell us they need these types of restrictions.

I appreciate the time the Ceann Comhairle has given me to express some of my views.

Mr. Timmins: In theory it may be possible to have an equal society, but I am not sure whether this can happen in practice. Two elements that can greatly assist us towards aspiring to an equal society are education and housing. I do not believe housing is just about affordability and reaching a certain number of construction units. In the limited time available I want to put my most important points first. There are three slightly related issues I want to raise initially, and I would like the Minister of State and his officials to take cognisance of them.

The first is the impact of density. In recent years there has been a great push towards utilising infrastructure and increasing density. Without any scientific basis for saying this, I believe that this over-emphasis on density is increasing our social problems. I have anecdotal evidence that when Darndale was being constructed a document written by a British sociologist showed this to be the case. I do not know whether such a document exists, but I am told it did. I do not know whether it can be tracked down, but we should carry out some research in that area.

My second concern is the concept of affordable housing. It is populist for all of us to talk about affordable housing and I agree with the general principle. However, the Department should carry out a survey to determine who actually pays for the affordable housing. The State does not pay for it. The developer certainly does not pay for it. I wonder who actually pays for it and I should like to see the impact of affordable housing on the 80% of non-affordable housing.

As regards affordable housing, I have raised in correspondence with the Minister the consequences of the clawback. My understanding is that somebody who might have taken out a loan under sections 9 or 10 of the Housing (Miscellaneous Provisions) Act 2002 either bought an affordable house from the local authority or obtained a shared ownership loan for affordable housing. If he or she wants to change the mortgage to a financial institution, however, the clawback is on the mortgage, and not on the property, so the market value must be paid at current price levels. I have come across a few such cases. It is unfair and the legislation needs to be amended. Somebody who bought an affordable house for €146,000 just over a year ago under the shared ownership scheme now wishes to change the mortgage only to be told he or she must pay in the region of €220,000 or €230,000 to be able to move the mortgage to a financial institution. I would like the Minister of State to examine that.

I would also like him to examine another issue which is evolving, but which has not received much publicity to date, namely, the tension that can be created within a community when new people move into an area. This is an issue that is only starting to evolve in our society because the population has just begun to increase after almost two centuries. In many towns along the ring around Dublin, Cork or Galway one hears established communities complaining they no longer know their neighbours. While I am not suggesting we will have riots such as those in France as a result, there is a growing tension in some of those towns. I do not know how the problem may be overcome. Perhaps the onus should be on the old community to open its arms and welcome people in rather than having a “them and us” society. When people move into a new area there should be an onus on the developer, perhaps, to furnish them with a development plan or related proposals for the next few years. We have all encountered people who have moved in to what they perceived to be a new estate with green fields all around only to find major building works taking place within a few months that they had never anticipated. We, as public representatives, are familiar with development plans and tend to assume everybody else is also. However, most of the population knows little enough about the subject.

Those three issues are important, namely the impact of density, who pays for the affordable

house with the related issue of the clawback and the possible tensions that may evolve in time between new and old communities.

I want to raise a few other points, including local authority housing. The issue of density and reaching certain targets comes into play in this regard. In the last few years there has been an over-emphasis by local authorities on getting a certain number of units constructed. I am not saying we need to go at a snail's pace, but it is important the job is done right. I do not like the concept of many open spaces on existing estates being built on due to a shortage of land banks. It is a short-term gain. I urge the Minister of State to encourage local authorities to build houses but not to crack the whip in the hope they will reach a certain number.

Another issue of concern is the buy-out of local authority houses. I am sure it is the same within all local authorities that when someone buys out a house he or she gets maximum relief of 3% a year for a ten year period, equivalent to 30%. I do not know whether he or she qualifies for the first-time buyer's grant as well. It is now gone, but maybe it is built in as an allowance. Someone might have bought such a house in an estate five or six years ago for €50,000 or €60,000 and received the relief. Now a neighbour might seek to buy it and finds the house is costing €170,000 or €180,000 due to inflation in the housing market. This needs to be examined.

Some families have lived in houses of this type for 20, 30 and more years, paying rent. An extension of buy-out relief for local authority houses needs to be examined. It is not going to cost the State anything. These are houses that remain in the possession of the families concerned. Many elderly people want to buy out their houses so their children may have them. This should be reviewed so that the 3% relief is carried on consistently up to 90% of the cost of the house perhaps. Many of these people have paid the equivalent of the house's market value in rent over the years, time and again.

When local authorities are planning developments these should contain a certain complement of single-storey houses of one and two bedrooms for the elderly or for people who want to return from abroad. That same stipulation should be included in private developments. Again, due to the growth in population there has been a rapid increase in the number of houses under construction, particularly in proximity to cities. I have always been a great advocate of the need to welcome new people into an area. It is nice to mix the blood, so to speak, and introduce new housing. However, in many smaller towns existing infrastructure cannot cope with the traffic. For reasons of street landscape, topography etc. it is not found to be cost-effective to put the necessary infrastructure in place to ensure people can move around relatively freely, as in the past. We have got to examine the concept of

new towns in every county surrounding Dublin. There is an area outside Greystones called Charlesland, with 1,400 houses. In effect it is a new town, although it does not have schools etc. and people must get the shuttle bus into Greystones. There comes a time when we must stop adding on to certain towns and look at the alternatives. Let there be a new town created in north Kildare, south Meath, north-east or north-west Wicklow or wherever to cater for the population. The local authority concerned should be proactive, buy the land, tender a certain amount for private development, for commercial use and so on.

I want to finish up by addressing two issues. One is about the funding for infrastructure in the mid-east region. The Minister of State might not be aware, but a report is to be submitted shortly to the Department of the Environment, Heritage and Local Government outlining how the mid-east region of Meath, Kildare and Wicklow has been underfunded relative to other areas over a period of time. Between 1996 and 2002, the funding went from 81% per head of population to 70%. I do not want to get into conflict with other regions, but I have listened to many pressure groups moaning and groaning about the difficulties they encounter. In the mid east, we have the population, the houses and all the consequential difficulties that they bring, but we have not got the funding commensurate with that increase in population. Most of the people that have moved there actually work in Dublin. Around 76% of those in the mid east region in 2002 that were not there in 2001 come from Dublin. I welcome them, but we must have the infrastructure in place to deal with them because the lack of it is causing difficulties for the communities that were already there.

I do not know if the rural housing guidelines are proving to be effective. The first anniversary of these guidelines are coming up next May, so the Minister should take a look at their effectiveness or otherwise. My experience is that planners will use every mechanism in the book to prevent the building of houses in rural areas. They will find some element in the small print to block the construction of such houses.

Mr. Curran: I welcome the opportunity to speak on this debate today. The manner in which the debate is structured is broad and far reaching. The housing market in Ireland has changed significantly in recent years. This debate spans many of those changes. The housing market has changed for several reasons. There has been a significant increase in the population. We have smaller families, with more family units and so on. From the early 1960s to the early part of this century, the population grew from less than 3 million to more than 4 million. We have also had a significant movement of the population to the greater Dublin area, amongst other areas.

[Mr. Curran.]

One abiding issue is that demand has far exceeded the supply, resulting in the increase in house prices. However, for the past seven or eight years, housing output and completions have increased annually. There are just under 80,000 housing unit completions per annum. Members from the Opposition will say they are not all available for housing, because some of them are holiday homes and so on. I acknowledge that, but it is still a very significant figure. Deputy Timmins spoke about the contribution under Part V of the Planning Act and asked who paid for it in the long run. It must be stated that house prices are completely a function of supply versus demand. They are not directly related to the cost of construction and site and development levies. We have all seen houses go on the market at a certain price and within a short period of time, the price has increased significantly. The price of houses is certainly a function of the price the market will bear. In any realistic debate, that is an important point to remember.

It is worth acknowledging that many individuals have gained from the increase in house prices. It has increased their equity and they have used it to invest in other properties and so on. It has added a degree of security and pension entitlements for those individuals. This is one aspect of house price increases that is positive. On the other hand, I acknowledge that there are difficulties for those trying to enter the market for the first time. Those difficulties are precisely because of the increase in house prices. In last year's budget, the Minister for Finance changed stamp duty for first time buyers of houses. While some people have been critical, claiming that it was not significant, I have met a number of individuals who have bought second-hand houses that they could only dream about before. Instead of buying a new house in a new housing estate in areas that do not have many new houses, it afforded them the opportunity to reside in their own communities. The threshold was set at €317,000. It was supposed to reflect what the average house price was for first time buyers. Those prices have gone up in the intervening 12 months and I hope the threshold will be changed in the forthcoming budget. The same number of people accommodated last year should be accommodated. The policy should not change, but the figure should reflect the average price for a first time buyer.

Affordable housing falls into a number of different categories. Part V of the Planning and Development Act is often mentioned, but I would first refer to some specific Government initiatives and how different Departments have addressed the issue. Yesterday, the Minister for Agriculture and Food responded to a question on the affordable housing initiative with regard to her Department. Many Dublin people would wonder why the Minister for Agriculture and

Food has an impact on this issue. She stated that her Department had identified six sites for consideration, in Counties Cork, Dublin, Galway and Kildare. The sites in Cork were located in Clonakilty and Model Farm Road in Cork city. Sites in Dublin were located in Harcourt Terrace, Dublin city and in the townland of Backstown near Lucan. She stated that the county council is progressing the project in Clonakilty as a matter of priority and that it has gone through the local consultation process in developing a model rural village near the town. She stated that the Government had noted the progress on the site in Harcourt Terrace in Dublin city and that the site is subject to a land-swap, whereby South Dublin County Council will receive completed housing in lieu of the site. The other sites are at various stages of assessment by the local authorities. When we refer to affordable housing, we only think of what is being done under Part V of the planning Act, when much more is actually being done.

The Harcourt Terrace site will be vacated by the Department at the end of the current year, according to the Minister. The laboratory activities there will be relocated. The land-swap will see South Dublin County Council receive 193 completed housing units early next year in Clondalkin. The significance of this deal is that it is fast tracking affordable housing. I cannot say the same has always been achieved under Part V, but this under this deal 193 units have been fast-tracked that would not have been delivered in such a manner.

However, affordable housing is also being developed in my local area under Part V of the Planning and Development Act. To date, a significant number of families has bought and moved into new homes in my area. More are to do likewise in the coming year. It is regrettable to say that the same has not happened in every local authority area. There is an onus on all locally elected councillors and council management to deal with this issue and to implement in a meaningful way Part V of the Act in order to provide affordable houses locally. I regret that has not happened.

With regard to my area of South Dublin County Council, early in October, the Minister for the Environment, Heritage and Local Government, Deputy Roche, officially opened what is referred to as the property path. It is a new housing sales office in the county hall in Tallaght, Dublin 24. It is a contemporary sales office which creates a modern, welcoming and helpful environment for people buying their first home and is an innovation on the part of the housing department of South Dublin County Council. In other words, it is like entering an estate agent's office. The office offers affordable housing, shared ownership purchase and tenant purchase homes. It deals with customers from their initial exploratory information requirements all the way

through to the provision of information on the availability of new affordable housing developments. Hence, rather than simply telephoning to ask what is available, one can go to that office where one will be shown the plans and what is becoming available. Before one fills out an application form, one will meet what in commercial terms could be described as a sales agent, who will explain it. It is innovative and I was deeply impressed by this development. As a public representative, I have no hesitation in referring constituents to the Property Path sales office to see what is available and it will provide the initial information. As usual, constituents return looking for assistance with the completion of forms and so forth, but it has been absolutely innovative and I encourage other local authorities to do likewise.

I also wish to discuss the issue of social housing and the council's housing programme. In the time available, I want to examine its housing construction programme but as I do, I also wish to comment that local authorities have a responsibility in respect of their existing housing stock and tenants and how they are treated. Many of those houses are quite old and were built at a time when there was no insulation, no double glazing and no central heating.

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

Mr. Curran: I will conclude by acknowledging that my local authority has been particularly proactive in respect of its existing tenants with regard to the installation of central heating, double glazing and insulation. Half of the projects have been completed and the remainder will be carried out over the coming years.

Ms Burton: In 1973, the former Labour Party Minister for Local Government, Jim Tully, gave local authority tenants the right to purchase their own homes. This constituted a fundamental social advance. I make that point as someone who, unlike most Members, grew up in a rented house and who knows how important it is for people to have the right to buy their own homes.

Currently, the Government is at times akin to a rabbit transfixed in the headlights of a car as far as the housing issue is concerned. On the one hand, it seeks to meet the ever-rising requirements of greed on the part of builders and developers, who are particularly associated with Fianna Fáil, and on the other hand ensure that owning a house as a human right is something to which every young adult in Ireland can legitimately aspire. Fianna Fáil in particular, albeit with the support of the PDs, has got the balance wrong. Currently, Fianna Fáil is not organising the housing market to benefit buyers. Members should remember that as recently as ten years ago, nurses, gardaí and county council officials could aspire to purchasing a house in their mid to late 20s. Moreover, by a house I mean a three

bedroomed house with a garden, where such people could hope to rear a family. In many ways, the market has been excessively overheated by the current Administration in order to meet the requirements of its friends in the building industry. In doing so, it has done a particular disservice to young people setting out to set up homes and start families.

I wish to make a number of specific points. The Government and many local authorities have set up a system in respect of new housing developments to build the right to have a management committee into the planning permission. That management company or committee is then permitted to charge a substantial annual fee to young people for the most part, who have just bought a new house or apartment. In Dublin West, the fee can range from between €400 to €600 per annum initially, but as the years go by, it increases to between €800 and €1,200 per annum. That is a major imposition on new homeowners who struggle to meet large mortgages.

This is privatisation of local authority services by the back door. I wish to draw the Minister's attention to the Tyrellstown estate in my constituency, where something in the order of 2,000 homes have been built by one company. Tyrellstown has been split into approximately eight separate management companies. Last summer, the water supply to that estate failed when there was a scare with regard to potential contamination. The county council was obliged to close the water supply to the houses and to bring in tankers over an extended period of a number of weeks. When I sought information from the county manager, it emerged the council was not in control of the public water supply. Instead, the management companies, which in many cases consist of the builder and his brother or the foreman's son and relatives when completing the houses, were in control and something went wrong. It was extremely difficult to induce the council to correct the problem.

Similarly, some green spaces, public roads and public lighting are under the control of management companies. In some instances, insurance companies ask management companies, which are ultimately meant to be the residents, to pay public liability insurance on public open green spaces. This is a scandal. When questioned by the leader of the Labour Party, Deputy Rabbitte, the Taoiseach agreed it was wrong that management companies should own the public open spaces, water supply and so on. He stated he would do something about it. Recently however, his colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, informed me that he is merely asking local authorities to send him a report about conditions attaching to planning permissions for various types of residential developments which incorporate these management companies. When, at some point in the future, he receives their

[Ms Burton.]

responses, the Minister will then consider the matter. Thereafter, the Law Reform Commission will also examine the issue.

This is an area in which young people are being ruthlessly scammed by the friends of Fianna Fáil in the building industry. Young people, who have just become homeowners, are charged enormous annual fees for management services in respect of homes and estates which previously have been in the care of local authorities once the estate was taken in charge. Hence, we have the ironic situation whereby expensive private estates built throughout the country are taken into charge properly by the local authorities, while people in affordable houses are charged a ransom fee for public services that should be provided by the local authority. This issue must be addressed.

I also wish to mention a new poverty trap which has developed under the Fianna Fáil-PD Government and which is galloping apace. Because local authorities have moved away from building social housing, people who were traditionally on housing lists and who, after five or six years, had some expectation of a local authority house, are now going into the private rented sector where their rent is supplemented by the community welfare officer. This creates a poverty trap in that an individual, such as a lone parent on a local authority housing list, who is in receipt of rent supplement worth up to €200 per week — the private landlord will receive €600, €800 or €1,000 per month from the community welfare officer for privately renting the dwelling — cannot afford to move into employment because he or she would need to secure a job offering a wage of €500 or €600 per week to afford the private rent. A person who has not been in employment for a couple of years will not be able to make the leap to buying an affordable house.

This is a new poverty trap being perfected by the Government. Its beneficiaries are not the poor, unfortunate people on the housing list but the investors in the private housing sector who can not only outbid a couple seeking to buy a house but are being financed by the Government to keep those on local authority housing lists out of employment. I do not know how the Government proposes to sort out some of the messes it has created to benefit its friends.

In Fingal County Council and other local authorities those residing in local authority dwellings who join community or social employment schemes are subject to rent increases of €8 per week in the first year and €20 per week in the second and subsequent years of participation in the scheme. This is another poverty trap. While the Minister informed me in reply to a parliamentary question that he does not advise local authorities to apply this practice, they nonetheless continue to do so, thereby creating another poverty trap. It is wrong that the Government is creating barriers to home ownership rather than

helping people to get into employment and purchase their own homes. The Labour Party legislated in this House for the right of people to buy their own home. Unfortunately, the Fianna Fáil Party is acting for the builders and restricting access to home ownership.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): I wish to respond to a number of issues raised by Deputy Burton.

An Ceann Comhairle: Will the Minister of State also speak at the conclusion of the debate?

Mr. B. O’Keeffe: No. As a member of a local authority, Deputy Burton opposed every zoning which came before her.

Ms Burton: That is not true.

Mr. B. O’Keeffe: If she had her way, her constituents would have to live outside their locality.

Ms Burton: On a point of order, the Minister of State is talking rubbish.

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

Mr. B. O’Keeffe: The Deputy had her say.

Ms Burton: He knows nothing about my——

An Ceann Comhairle: I ask Deputy Burton to resume her seat and allow the Minister of State to continue without interruption.

Mr. B. O’Keeffe: Deputy Burton’s policy throughout her career as a member of a local authority was shambolic, idiotic, nonsensical, vacillating, irreverent of the people she represents and politically opportunistic.

Ms Burton: Fianna Fáil’s champion was the late Deputy Lawlor and his cohorts.

Mr. O’Dowd: The stench of corruption is appalling.

Mr. B. O’Keeffe: If Deputy Burton had her way, young people in her constituency would have nowhere to live. The Deputy raised the issue of social housing and accused the Government of failing to build social houses.

Ms Burton: Where are they?

Mr. B. O’Keeffe: In 2005, funding to local authorities for their housing programmes amounts to €1.3 billion, an increase of more than 20% on the 2004 outturn. This figure represents a sevenfold increase in the past ten years. Total capital expenditure on social and affordable housing output in 2005, inclusive of non-Exchequer financing, will

amount to approximately €2 billion. Clearly, the Deputy will not accept these figures.

This improved funding will mean approximately 5,500 local authority houses can be started in the year ahead compared to an average of 4,700 units in each of the past three years. The Deputy should give the Government some credit for this development. In 2005, it is anticipated that the needs of in excess of 13,000 households will be met from the same measure. It is also anticipated that a number of households currently in private rented accommodation will transfer to the new rental accommodation scheme being introduced. The households in question will continue to be accommodated primarily in the private sector.

I do not propose to discuss in detail the voluntary or co-operative sectors. It is important to place on record the lack of consistency in the Labour Party's approach to ensuring land is available for young people.

Ms Burton: When the Labour Party was in power people could buy a house, but that is no longer the case.

Mr. B. O'Keefe: The Government seeks to ensure that young people have a good future living in homes in a sustainable environment. It will ensure that strong demand for housing, which is due to demographic factors and economic success, continues and will concentrate for the foreseeable future on implementing policies which will meet this demand.

The most recent housing report published by the Economic and Social Research Council endorsed the Government's general approach to housing policy, while highlighting important policy challenges ahead, including the need for high quality, sustainable development in urban and rural areas which the report stated would assist the market in maintaining supply. It also noted the need to provide the necessary supports to those who fall below the affordability threshold.

In this era of unprecedented housing output we must also ensure we do not neglect the quality of housing. We face challenges in terms of incorporating innovative approaches, particularly in design and the use of materials in ways which reflect the long-term life of housing. Sustainable Energy Ireland recently published a draft action plan for the implementation of the energy performance of buildings directive. One of the main features of the plan is that buildings, including dwellings, will require energy rating in future. This will provide an incentive to incorporate in new buildings progressive energy features, including solar panels, condensing boilers and renewable technologies.

Experience to date suggests that the timber frame is significant in the house building industry. Timber is one of the most traditional construction

materials and modern timber frame construction, as developed in recent decades, is a highly engineered product. Widespread use of this form of construction for housing is relatively new here. Nevertheless, its use has increased significantly in recent years, during which time timber frame has secured an increased share of an expanding housing market.

To examine ways of supplementing traditional methods of housing provision with a view to achieving the level of output envisaged in the national development plan, the Department commissioned an independent study on the use of timber frame housing in Irish conditions. The consultants have completed their report and a period of consultation with the construction industry has concluded. The Department is considering the submissions received. The construction of dwellings such as timber frame housing will contribute significantly to the range of information to be considered.

Sustainable Energy Ireland, through its House of Tomorrow programme, aims to accelerate improvements in the quality and energy features in housing. It will do this by funding projects and researching, developing and demonstrating more sustainable energy practices. Its focus is to stimulate the widespread uptake of superior sustainable energy planning, design, specification and construction practices in the new home building and home improvement markets.

Housing activity in Cork city and county, from where I come, has reached record levels in recent years. Approximately 8,000 housing units were completed in the area last year, almost double the level of activity in 1997 and 44% above output levels achieved in 2000. The market alone cannot address all housing needs, so we are making record levels of funding available for social housing programmes to meet the needs of those households unable to provide for themselves. This year, some €105 million in capital funding, an unparalleled level of provision representing a record increase of 3.5% on 2004, was allocated to the local authority housing programme in Cork city and county. Those funds will cover expenditure on the 760 housing units under construction at more than 25 different locations throughout the region as well as the 600 units expected to be completed this year under the local authority programme.

Between 1997 and 2004, we made in excess of €410 million available to housing authorities in the Cork area for construction programmes. Those funds resulted in almost 4,000 housing starts in the period. More than 3,600 units of accommodation were completed in the same period. Our activity is not confined to the provision of new units. We continue to invest significant funds in renewing and regenerating existing estates. Work is now complete on phase 1 of the Glen regeneration project in Cork city at a cost of €18 million. It involved the construction of 47

[Mr. B. O'Keefe.]

dwellings and an old folk's centre and the refurbishment of 66 existing dwellings. Cork City Council is now planning for phase 2 of the project. The cost of the entire Glen regeneration scheme is estimated at €50 million.

There are also proposals for regeneration in Knocknaheeny in Cork city. It is proposed that 513 housing units be refurbished, 88 demolished and an additional 337 new units provided on local authority land. The plan also provides for health, education, community and social facilities, and work commenced on block D in Knocknaheeny this year. Some 32 affordable housing units were delivered under the Sustaining Progress affordable housing initiative in April 2005 at Buckley's Field in Blackrock. Those units have all now been occupied. Further units are under construction in several other sites in Cork, including Blackpool and Castletreasure.

In 2004, the Department repaid €45.7 million to local authorities for accommodation and related services for homeless persons, compared with only €12.5 million in 1999. This year, the Department is providing €51 million for that purpose, bringing to €236.3 million the amount spent on such services since 2000. That will allow continued consolidation and progress to be made in tackling the issue via implementation of the homeless strategies. A review of the operation of the homeless integrated and preventative strategies has been carried out by Fitzpatrick Associates and we will be able to publish its outcome in the next few weeks. Services funded by my Department for the homeless in Cork are provided through the Society of St. Vincent de Paul, the Simon Community, the Good Shepherd and the Sisters of Charity.

Action is being taken by the Government across a wide range of housing needs. We are meeting demand, and the level that exists is unbelievable. However, the Government is working well in tandem with people's needs and we are successful in what we are trying to achieve.

Caoimhghín Ó Caoláin: I am sharing time with Deputies Gogarty and Gregory.

An Ceann Comhairle: Is that agreed? Agreed.

Caoimhghín Ó Caoláin: A constituency colleague has already addressed the factual situation regarding social and affordable housing, at least partly with relevance to Cavan-Monaghan, so I will focus on the ever-spiralling cost of houses, now out of reach of so many young couples, even dual income partners. I viewed the opening speech of Minister for the Environment, Heritage and Local Government, Deputy Roche, as self-congratulatory. It completely ignored the spiralling price of homes. According to the National Economic and Social Council housing report, up to a third of all new households, almost 14,000 annually, formed in the period 2001 to 2006

would fall below the affordability threshold. That was as high as 42% in some urban areas.

When we consider average house prices for the quarter ending in June 2005, we see that for new homes, there was an annual increase of 11.8% throughout the State. The average price is now €275,394. In Dublin, there was an increase of 7.4%, bringing the average price to provide a home to €346,683. For second-hand houses, the State-wide figure of €332,151 represented a 10.1% increase. In Dublin, the average price was €440,520, a 10.3% increase. These are substantial increases and they have been downplayed by the Government to the extent that the media have not given the matter the attention that it deserves. It affects all families and everyone throughout the country, irrespective of their politics.

The cost to the State of property tax incentives, such as section 23 and section 50 tax relief, is unknown to the Department of Finance, something that I have questioned on numerous occasions at the Committee on Finance and the Public Service. However, the information has not been forthcoming. Their impact in terms of increasing house prices is not being taken into account. They pit investors against first-time buyers. Let us make no mistake. It is the latter group that is losing out. There is, therefore, a strong case for the abolition of those reliefs.

The standard conservative solution and the approach adopted by the Government to the house price crisis is to rely on the supposition that with the current high level of output, balance between supply and demand can be achieved in the course of this decade so that house prices stabilise and, consequently, affordability issues are resolved. However, that view is strongly contradicted by the NESC report which states that "the number of people eager to purchase a home but unable to do so under market conditions is unlikely to get smaller". For example, any improvement in affordability due to further reductions in the rate of increase in house prices and the catch-up in earnings relative to them is likely to be more than offset by interest rate rises.

The Minister for the Environment, Heritage and Local Government, Deputy Roche, spoke of resting on his laurels, but he has none to rest on in this regard. The Government has done nothing to address house prices since entering office, and that is what is causing universal hardship for young couples today. It must be tackled, and I urge the Minister to do so.

Mr. Gogarty: I very much welcome this opportunity to make a statement on the current housing crisis, although I would have preferred it if the time had been used more profitably to debate proper legislation on housing that might make it easier for people to afford a home and more difficult for investors to buy up seven, eight or nine houses, as they are doing in my constituency,

essentially pricing the average person out of the market.

The example of the milkman who could afford to buy a house outright at the end of the 1960s and beginning of the 1970s is sometimes used. Nowadays, it is much more difficult for a single person, unless one is a Member of the House earning a high salary, to get a house on one's own. Even ten years ago, for example, a teacher could buy a house alone. Now they must share houses. They move in with friends or buy houses with siblings because they cannot get a house on their own. Part of the reason lies in Government policy.

The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, referred to the Government moving to tackle the housing crisis. There has been movement similar to the way a turtle moves towards the sea, and that is not quick enough. House prices have risen largely because of the incentives given to private investors who are competing successfully with the first-time buyers. Every time an investor goes up against a first-time buyer, the investor wins. They have more resources and can pitch up the price a little more. In Dublin in particular, house prices overall have risen because the investors can afford to pay them. They are the ones getting the mortgages on the basis of their existing equity whereas the first-time buyer must scrimp and scrape.

It has reached the point where 110% mortgages for houses are available in some circumstances and while the current Celtic tiger economy might allow for that, the fact is that economic downturns do and will happen. The Celtic tiger economy is no more the product of the efforts of this Government or those of any other Government except on a macroeconomic scale, but I will concede that when the downturn occurs, it will not necessarily be the fault of Fianna Fáil. It is a cycle, however. It will happen and unless we prepare for it, and this is where the Government is responsible, many couples will face interest rate hikes and a situation will arise similar to that in London in the 1980s. We do not want that to happen.

How do we tackle this problem? It is a complex issue but the first step is to follow the recommendations of the NESC and forget about rent allowance. There are many houses in my constituency whose occupants receive rent allowance and they will never be able to afford their own house. Unless we bring more properly developed houses on-stream with access to public transport infrastructure and a social mix, more ghettos will be created which will result in an increase in crime. We must examine the way houses are planned and developed and forget this charade of wasting Government money by paying rent allowance to people who will never own their own house. We must forget, as the NESC said, about building

more social houses on their own. The solution is for the affordable housing and shared ownership schemes to hold sway, and Government funding must be allocated to that area.

Mr. Gregory: I listened carefully to the Minister, Deputy Roche, in the faint hope that he might announce some radical measure to address what for many of our citizens is a housing crisis but, as expected, there was not even an indication that the Minister was conscious of there being a major housing issue. There was no admission from him that the breathtaking cost of houses and the massive increases in prices which have spiralled out of control in recent years are unjustifiable and demand action. Neither was there any admission that the scandal of homelessness is a black mark on the record of this State, as are the lengthy waiting lists for local authority housing. There was no mention of the profiteers who lurk in the background and engage in racketeering in new house prices and land values, while a small number of multi-millionaires control the bulk of development land in the Dublin region. That does not appear to be an issue for either the Minister, Deputy Roche, or the Fianna Fáil-Progressive Democrats coalition. What is the reason for that?

Extreme profiteering activities are unsustainable and unjustifiable and no amount of tinkering with the system will change that. While developers and builders manipulate and control the housing market in a manner which allows them to maximise their vast profits, the number of unfortunate people joining the local authority housing waiting lists increases steadily. The average price of a house in Dublin is well in excess of €300,000, which is out of the reach of the average worker. Affordable housing for many of our citizens is a meaningless term while the latest phenomenon is the increasing number of new housing schemes advertised in property supplements which feature prices starting far in excess of €1 million.

For a rapidly increasing number of families, owning a home of their own is a distant mirage. Frustrating years lie ahead for them on a local authority waiting list while they are forced to live in overcrowded and sub-standard conditions in some landlord's property. For a minority, however, there is an ever-increasing choice of lavish properties in gated enclaves with prices ranging from €2 million. This extreme social inequality is the most corrupting influence in Ireland today, yet it appears to fit very comfortably with the political philosophy of the Fianna Fáil-Progressive Democrats coalition.

Mr. Fleming: I welcome the opportunity to speak in this debate on housing. The Deputies opposite must be living on a different planet because there is no housing crisis where I live in County Laois. I was stunned to hear them talk

[Mr. Fleming.]

about a housing crisis. In the past ten years alone, 500,000 new houses have been built. New house completions for last year and this year are in the order of 77,000. It beggars belief how any Deputy could talk about a lack of housing. Are some Deputies suggesting that 100,000 houses should be built per annum? The number of houses being built is unheard of—

Mr. Healy: We should build at least 20,000 social and affordable units, not the 6,000 being provided.

Mr. Fleming: —relative to the size of the country. I will deal shortly with the point raised by the Deputy and where the responsibility and blame lies for not delivering on social housing.

Every year for the past five years I have heard the so-called experts say that the housing output will have to drop, that we have reached saturation point, that demand has been exceeded and that there will be a slump. I have heard that year in, year out. Those economists and other experts do not understand what has happened here. With interest rates having fallen in recent years, many more people are in a position to buy houses because their mortgage repayments are lower than they would otherwise have been when I and other Members had to take out mortgages in previous decades. At a minimum, 50,000 to 60,000 immigrants per annum are coming to work here because of our strong economy and they all must be housed. Apart from any other considerations, at least 20,000 houses per annum will need to be provided for the people coming to work here. That is aside from the normal population increase. That has resulted in prices moderating recently.

There are new, three bedroom, semi-detached houses on the market in different towns and villages throughout County Laois starting at €175,000, approximately £140,000, which is excellent value for money. That brings me to the question the Deputy opposite raised about the number of social housing units being provided. The blame for the lack of delivery of social housing rests 100% on the shoulders of the local authorities.

Mr. Healy: What is the Minister doing if that is the case?

Mr. Fleming: I will tell the Deputy. In each of the past few years in County Laois alone, and we are a small county, considerably more than 1,000 new houses have been built. Record numbers of local authority houses are being built. A total of 300 houses per annum are being built through the local authority. With the Part V provision in terms of the builders in the county, we are now in a situation whereby in parts of Laois there are not enough people to take up new social housing units. We have fully satisfied the demand in sev-

eral parts of County Laois and are now taking people in from all the neighbouring counties and from outside the country as well. In Graiguecullen, for example, hundreds of new houses are being built and dozens are coming through the Part V system. The local authority is aware we do not have people to take up these social housing units and most of them are being allocated to the affordable housing scheme. The only issue I would ask the Government to take on board is to increase the income limit for people to allow them qualify for affordable housing because the limit is quite tight.

Year in, year out I listen to people whingeing about lack of money for the essential repairs and the disabled person's grants. The sole reason there is a lack of money for those grants in most counties is because the local authorities are controlled by people who will not allocate sufficient moneys in the annual estimates or draw down the funding from the Department. If a local authority assigns €100,000 for the provision of essential repairs or the disabled person's grant, for example, it will receive €200,000 from the Department. If it assigns €1 million, it will draw down €2 million, as has been done in County Laois. There are counties with populations three or four times that of County Laois in which local authorities have assigned less for those schemes in their estimates. Members from these counties then whinge that the Government does not provide sufficient resources, but it is their own party councillors in the local authorities who have allocated insufficient funding in their estimates to look after people in their area. I have seen first-hand evidence of this.

Laois is one of the few counties where there has been a significant reduction in the numbers on the waiting list for housing. The statistics in this regard were presented by the Minister, Deputy Roche, some months ago. Laois is top of the list in terms of building and has provided way above the allocation assigned to it in the five-year housing programme. Other councils, for a variety of reasons, did not get on with the job in hand. Instead, they procrastinated and protested that voluntary and social housing could not be situated in particular locations. That procrastination continues and the waiting lists persist.

The administration of the rental subsidy scheme should be a matter entirely for the housing authority in each area, which is the local authority. It is not the function of the Health Service Executive to administer funding for housing in cities, towns and rural areas. The executive has far more important work to undertake and its staff more pressing concerns. The local authorities should be given total responsibility in this regard. Currently, an individual seeking rental subsidy often must deal with both the local authority and the HSE. This unnecessary duplication should be eradicated.

There is no housing crisis in Laois and Offaly. There is, however, a shortage of houses in many local authorities and that is the fault of local representatives and management of the authorities. Instead of getting on with the job with the funding that is available, they complain that the waiting lists are increasing. There has never been a cutback in funding through the local authority for housing construction in County Laois. In that county, more than 1,000 housing units are being built in the private sector per annum. These figures can easily be verified by HomeBond and other agencies. I appeal to Members to come and see what is being done in Laois. New three-bedroom houses are for sale for €175,000 in beautiful towns and villages throughout the county. I cannot understand why other local authorities, if they take the same initiative, cannot achieve the same.

Mr. Healy: There are 60,000 families on waiting lists.

Mr. McCormack: Deputy Fleming referred to the duplication of responsibility in regard to the rental subsidy scheme. The same applies to the essential repairs scheme, the disabled person's grant and other schemes. Some are dealt with by local authorities and others by the HSE. The Deputy claims there has been no cutback in funding. More than a year ago, however, the local authority in my area had to inform all applicants it could not consider their applications further because there were no funds to complete the programme.

I have dealt with constituents who have experienced problems when, for example, they applied for the disabled person's grant for the purposes of installing a shower and bedroom downstairs because they could no longer make it upstairs. One case was delayed so long as a consequence of the red tape and the lack of finance that, unfortunately, the couple concerned had passed away before the extension for which they had applied could be built.

This is the harsh reality. The Minister gave a fine speech that was high on aspiration but completely devoid of new initiatives on housing. The figures from Permanent TSB and the ESRI show the average price paid for a house nationally in September 2005 was €268,040. In County Laois, according to Deputy Fleming, that figure is very much lower. The average prices paid for a house in Dublin and outside Dublin in September were €356,220 and €231,425, respectively. Several Members on the other side of the House, including the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, asked what the Opposition parties had done in this area. In 1996, the last full year in which Fine Gael was in office, the average price paid for a home was €88,000 in Dublin and €75,000 nationally. One should look

at these figures if one is interested in comparing like with like.

The Minister claims the Government has a strong record on housing. This is the Government that abolished the first-time buyer's grant, failed to meet its commitments on social housing in the national development plan and, in the budget before last, increased VAT by 1% on building materials for housing, at a cost of €12,000 to home buyers. It made some slight compensation in the last budget in copying part — though not, unfortunately, all — of Fine Gael's policy on stamp duty. The €317,500 threshold, however, is lower than the average cost of a second-hand home and is, therefore, of little use.

I have some personal experience of the difficulties in this regard. My daughter, who works as a nurse in Dublin, got married recently and wishes to purchase a home in the capital. She and her husband viewed a two-bedroom, ex-local authority, terraced house in County Dublin. They initially bid the guide price of €250,000 but the price rose in increments until it reached €300,000. The party bidding against them then went from €300,000 to €317,500 to close the deal without exceeding the stamp duty threshold. In other words, where there is competition among prospective buyers, this measure has driven the cost of houses below €317,500 up to that threshold.

Where there are two bidders, one is inclined to jump suddenly to the price below which he or she is still ineligible for stamp duty. My daughter and her husband, who are first-time buyers, could not exceed the threshold and render themselves liable for the duty. The threshold should more realistically be set at approximately €450,000. However, I have doubts as to the usefulness of this scheme even if such a change is made. I considered it a great idea when it was introduced but it has not been so successful in practical terms.

The 2002 programme for Government pledged to assist the voluntary housing sector so that the target of 4,000 accommodation units per annum envisaged under the national development plan could be reached. In 2004, 1,607 voluntary housing units were built, even less than the figure for 2003. Only 187 affordable housing units were completed last year under the Part V provisions. The Minister made play in his contribution about the great Harcourt Terrace deal, as he calls it, where he swapped a site of half an acre for 193 affordable houses in south County Dublin. The Minister must provide clarification on this. If a builder is supplying 193 affordable houses in south County Dublin, given the cost of that site and the provision of housing there, one wonders at what price those affordable houses were sold. If they were sold at €200,000, that puts a cost of €38 million on the half acre site on Harcourt Terrace. As developers are not fools, the Minister need not praise himself for that deal. No builder would invest such an amount if the site was not zoned for residential purposes. If a builder builds

[Mr. McCormack.]

38 apartments on the site, they would have to cost at least €1 million to simply cover the site price. This is only driving the housing market further.

This is as a result of amendments to the 2002 development Act, due to lobbying from builders. Under the amended Act builders do not have to give 25% of the houses in an estate over to social housing purposes. Instead, they can provide the social housing units anywhere in the local authority area, or provide part land or money. In County Galway, any developer building an estate near Galway city where land is valuable will fulfil his or her obligation by providing the 25% social housing in Glenamaddy, Headford, Tuam or Ballinasloe or Williamstown, some 60 miles away from the development. This is forcing people out of the population centre of Galway city to far-flung areas of the county. It is adding to more traffic on the roads, resulting in hold-ups and frustration for young families working far away from where they are living. By that concession, the Minister has worsened the problem. So much for his claim he got a great deal. I want clarification of the prices of the houses finished in both areas.

Fine Gael believes a range of measures are required to address the affordability gap in housing which prevents people with incomes from buying their own homes. Innovative ways are needed to tackle supply and demand. Our policy for first-time buyers would be to introduce a house deposit saving scheme, similar to SSIA's to help young people saving for a deposit on a house purchase. First-time buyers would receive €1 for every €3 they save, provided the savings are invested as a deposit on a house. It will encourage people to save, ensuring they would have the deposit for a house. In most cases, as parents will know, when our offspring are trying to buy a house, it is the parents who put up the deposit. There is no incentive for young people who go on three holidays a year instead of saving for a deposit for a house purchase.

Fine Gael wants an independent commission on rural one-off housing which must be given powers to recommend changes in the law if necessary, as well as developing feasible policy measures to address this complex issue. The recently-issued Government guidelines on one-off rural housing were only a gimmick for the local elections, meaning nothing in the end. Often the planning offices of local authorities must deal with the reality of their own county development plans before planning permission can be granted. The guidelines are just another fake from the Minister for the Environment, Heritage and Local Government.

Mr. Haughey: Having regard to the substantial economic growth of recent years, the increase in population and the levels of inward migration, the provision of housing is a challenge for the

Government. The Government has increased housing supply as the key response to the broad range of housing needs and demands. It has ensured that more than 500,000 housing units, an equivalent to one third of the total housing stock, were completed in the last decade. It is facilitating the tenth successive year of record housing completions through the addition of 77,000 new houses in 2004 and establishing Ireland in the lead position within the EU for the provision of new houses.

The Government is strengthening and extending social and affordable housing programmes for which €2 billion is available in 2005. It is bringing forward five year housing action plans by local authorities for 2004 to 2008 to co-ordinate, accelerate and bring together integration and action on housing at local level, with particular reference to social and affordable housing measures. In addition, the Minister for the Environment, Heritage and Local Government is prioritising and advancing the special initiative on housing and accommodation under Sustaining Progress which will deliver more than 10,000 affordable houses through the affordable housing initiative and Part V of the Planning and Development Acts 2000 to 2004. He is ensuring, through the housing forum, an effective engagement with the social partners.

He is enhancing tax allowances to assist first-time buyers and is improving the operation of the private rented sector through the introduction of new legislation and the establishment of the Private Residential Tenancies Board. The Government is introducing a rental accommodation scheme to provide improved and more secure arrangements for supplementary welfare allowance recipients with long-term housing needs. An integrated strategy will be implemented and developed on homelessness, effective programmes for Traveller accommodation and an expanded role for the voluntary and co-operative housing sector.

Last December's NESC report on housing set out a radical blueprint to deal with the lack of social housing in Dublin and other parts of the country. The NESC addressed the Oireachtas Joint Committee on the Environment and Local Government following the publication of its report. It clearly identified housing as a major national challenge, laying great emphasis on the provision of social housing. The target of 72,000 additional social houses over the next eight years is ambitious and one which must be met. Today, I received a pre-budget submission from the Society of St. Vincent de Paul. It has requested the building and acquisition of between 10,000 and 12,000 social housing units each year until 2012.

It is clear from the NESC report that the housing issue is not just about supply but about providing proper facilities in our built-up areas and protecting the community spirit that has been an

integral part of our cities' lives. For too long, local authority estates have been built without proper consideration of facilities and services. We must learn the lessons of our past mistakes if we are to ensure young people, wanting to establish a family home, are given proper supports. The recent rioting in France is a wake-up call that the provision of housing must be got right.

The affordable homes partnership has been established by the Minister for the Environment, Heritage and Local Government, with effect from 1 August 2005 under the terms of the Affordable Homes Partnership Establishment Order 2005. The partnership's overall objective is to coordinate and add impetus to the delivery of affordable housing in the greater Dublin area, for which it has been assigned specific functions for this purpose in Article 4(2) of the Order. In its work to date, the partnership has focussed particular attention on preparations for the call for proposals to issue to builders and developers to bring forward land for affordable housing. The partnership has also undertaken preparatory work on a number of land swap projects similar to the successful Harcourt Terrace pilot project, which concluded earlier this year. The procurement process for the first of these projects will commence next month.

The affordable homes partnership is also examining the integration of affordable housing schemes. The possible amalgamation of the various affordable housing schemes in operation was one of a number of issues highlighted for further consideration in the NESC report *Housing in Ireland: Performance and Policy*. The Government intends to address these issues shortly, taking into account the work under way by the housing forum in reviewing the effectiveness of existing social and affordable housing schemes in the context of the Sustaining Progress agreement.

I have been told that Dublin City Council is bringing forward its own amalgamated affordable housing scheme independent of the affordable homes partnership plans. I congratulate the council in this regard as I believe the amalgamated scheme will be published shortly. Until now, young couples have had to submit several separate applications, perhaps up to three, to different sections of one local authority to avail of the numerous schemes on offer. This duplication is unnecessary, costly to taxpayers and unfair to young couples in need of encouragement and assistance in taking the first step on to the property ladder.

I received some figures from Dublin City Council last month on the provision of affordable housing. There are three different schemes. Between now and 2007, 285 units will be provided across the city under the 1999 scheme; between now and 2006, 82 units will be provided under the Part V scheme; and between now and 2007, 444 units will be provided under the affordable hous-

ing initiative. This takes into account planning applications currently determined.

Progress has been slow in providing affordable housing in Dublin city. The Minister addressed this before and it was stated that builders put in a series of planning applications prior to the introduction of the new regime. Those houses are only now coming on stream and this is a reason for the slow progress. There are also difficulties in the negotiations between builders and local authorities, and this should be dealt with.

I wish to mention apartment development. The head of the school of real estate and construction economics at the Dublin Institute of Technology, Mr. Tom Dunne, last June stated that failure to maintain a large number of apartment blocks in recent years could lead to a serious deterioration in the quality of the urban fabric in cities and towns. He also stated that not enough money is being spent on the upkeep of new apartments. Latest figures show that apartments now account for 41% of planning permissions for housing throughout the State, and this rises to 74% in the Dublin area. This represents a major change in the housing stock and is likely to be a dominant trend in future. If such schemes are not made attractive, there could be a decline in the desire for apartment living. This is a serious issue.

I am pleased that the Minister intends to deal with the issue of management companies for apartment blocks. Currently, local authorities are making it a condition of planning permission that management companies be set up to deal with the maintenance of the proposed schemes. It appears that local authorities are abdicating from their responsibilities.

At a later stage I will deal with the energy efficiency directive, as well as the private residential tenancies board and its role in solving disputes arising from anti-social behaviour between landlords, tenants and third parties. I may also discuss developments in my constituency.

Ms Shortall: I propose to share time with Deputy McManus.

Many aspects of the Government's housing policy could be criticised, and these are facets on which the Government has failed the people. The problem of housing supply, by no means the least of these dilemmas, has a profound impact on people's lives in such matters as family formation, quality of life and commuting times. I will refer specifically to three aspects of policy which are emerging problems that should receive urgent attention.

The first issue is the management of local authority housing estates. In these areas, as well as in many others, there is a growing problem of anti-social activity. People who do not understand the problem or have no experience of it may believe it is a fairly minor matter. It may begin as a minor issue but it develops into more serious activity. This may not technically be a criminal offence but

[Ms Shortall.]

can cause much grief and concern to residents, particularly elderly residents. It may quickly reach a point where it constitutes bullying and intimidation. Unfortunately it is a feature of modern life in many housing estates, particularly local authority housing estates. These places may have an atmosphere of intimidation and threat.

It is a common feature and the issue arises on a regular basis at public meetings in constituencies in urban areas. In recent years, local authorities have been more successful than the Garda in tackling the problem. Local authorities have used legislation to good effect, especially in the Dublin City Council area. The legislation in question is the Housing (Miscellaneous Provisions) Act 1997 and the Housing Act 1966. Both of the instruments have been used extensively to tackle anti-social activity. This type of activity has recently become so intense and serious that local authorities are relying more on the 1966 legislation, as this allows the authorities to send a senior official into a court to state that it is the view of the housing authority that a certain person is engaged in serious anti-social activity and should be evicted. The word of the senior housing official is accepted in this way.

The process must operate in this way because anti-social activity is at a level where it is not possible to get a witness to give evidence in court. I understand this and I do not encourage neighbours to provide evidence on anti-social activity in court. There is no doubt that there would be serious repercussions if they did. This is the manner in which the legal and judicial system works. The State authorities and gardai are not in a position to provide the protection that residents require if they provided evidence in court against their neighbours. This is a reality of modern Irish life.

Mr. Durkan: That is correct.

Ms Shortall: For this reason it is critical that housing officials can have the power to state, based on information which they are not required to disclose, that they believe a certain person is involved in serious anti-social activity and should be evicted. This system has worked well in recent years and there has not been a single case of abuse of the system, despite the wide-ranging powers given to local authority officials.

However, I wish to flag what is coming down the tracks. There are a number of legal challenges to this legislation waiting to be heard in the courts. The challenges are based on the UN Convention on Human Rights. If the legislation is struck down on the grounds of incompatibility with the UN Convention on Human Rights, we in the Dublin city area and many other local authority areas will be in serious difficulty. The tenants of local authority estates will pay the price for this in terms of further breakdowns in law and

order, intimidation, bullying and threats in their areas as they go about their daily lives.

I hope that the Department is prepared and is aware that this is coming. Contingency plans must be made. If the legislation is struck down, we will have very serious problems on our hands. There is a need to put in place an alternative system that will allow local authorities to deal with the increasingly threatening and criminal behaviour engaged in by some local authority tenants. The number might be small but these people have a profound impact on vast numbers of law abiding local authority tenants who are being prevented from living in peace and quiet.

My second point addresses the development of private housing estates in recent years, whether they are conventional houses or apartments. We increasingly see housing estates and apartments built with no intention of their being taken in charge by local authorities. They are essentially built as private estates and are intended to always remain as such. This means that residents are being caught for all the charges involved in providing what we have always understood to be basic public services, such as sewerage, water supply, drainage, lighting and roads. I can understand what the local authorities are doing because they avoids great expense if they hand over them over to a developer and in turn to a management company.

Mr. Durkan: That is right, they are backing away from it.

Ms Shortall: However, this has significant implications for low income purchasers of properties in particular who discover within months of moving into their new homes that they are caught for all these charges and will continue to be so for eternity. There are examples of residents being caught for charges of €1,700 per year but there are many others who must pay €1,000 or €1,200. That will go on indefinitely because local authorities, with the seeming blessing of the Department, are completely abrogating all responsibility for providing basic public services and are passing on the costs to residents.

An Leas-Cheann Comhairle: The Deputy has three minutes remaining.

Ms Shortall: The poverty trap that results from the way the rent allowance system operates needs urgent attention.

Ms McManus: I wish to speak briefly about a small group of people who are losing out significantly despite all the changes in the housing area. There are cases in my constituency of families living in housing without sanitary facilities. Something is fundamentally wrong. We are living in the 21st century with major high-tech sewerage schemes becoming the norm, but some people do not have toilets in their houses.

Three generations of one family were living in a house without a toilet. A young girl who is now 12 has grown up never having had an indoor toilet or any toilet. She is being housed with her mother in council housing. As a result, the three generations have been split up and the grandmother is still living in a house with no toilet. It is extraordinary for any person to find himself or herself living in such conditions given that this is one of the richest countries in the world. I hope and expect that the Minister of State sets a target to ensure that no person lives in such primitive conditions before the Government goes out of office.

The provision of central heating and proper windows and doors is another issue. My constituency seems to have more than its fair share of housing estates that have been recently built, perhaps in the past 20 to 30 years.

Mr. Durkan: That is right.

Ms McManus: The standard is poor, including nine inch cavity block walls, poor quality doors and windows, and no central heating. It is extremely uncomfortable and unhealthy to live in those conditions. Each year, a certain number of houses are provided with upgrades but it is a long way from meeting needs. I urge the Minister of State, who represents my constituency — although it is sometimes unclear where the benefits of this are in terms of housing — to deal with this issue.

I must put on record that 1,405 children are now homeless. We tend to think of housing as affecting women and men. These children are moving from one form of emergency accommodation to another and are losing out in health terms. They are unable to avail of vaccinations and conditions such as asthma are exacerbated by living in substandard accommodation. They are at a great disadvantage in terms of their educational chances. I hope and expect that the legislation introduced in respect of private rented accommodation will be enforced fully and that measures are put in place to ensure that every child has a desk at which he or she can do homework, for example. These are the simple measures that can make a difference to a person's life.

Dr. Devins: I welcome this opportunity to speak on the current housing situation. I have listened carefully to what has been said in the debate so far and must raise the question whether all of us in this House are living in the same country. Listening to some Opposition Members, one could be forgiven for believing that no houses have been built in Ireland in recent years. The reality is that over 77,000 housing units were completed last year.

Mr. Durkan: They were not local authority units.

Dr. Devins: It was the tenth year in a row in which a record number of houses was built.

Mr. Durkan: Some were penthouses.

Dr. Devins: It is also worth noting that over 500,000 new houses have been built during the past ten years. Currently, approximately 19 houses are being built per 1,000 people of population in Ireland, which is the highest rate in the EU. It would be interesting to compare this with the United Kingdom, our nearest neighbour, where the rate is only four houses per 1,000 people.

Mr. Durkan: It is much easier to get a house there.

Dr. Devins: In light of these statistics, I have no doubt that my friends in the Opposition must recognise that enormous strides have been made in the provision of new houses during the past few years.

Mr. Durkan: A lot done, more to do.

Dr. Devins: However, there is no doubt that it has been difficult for some people, particularly first-time buyers, to get on the property ladder due to increasing prices. This difficulty has been present for some time and I commend the Government, which, recognising the difficulty, put in place measures to improve access to home ownership for first-time buyers. These measures include stamp duty concessions and improvements in mortgage interest tax relief.

As Members are aware, the first-time buyer's grant was abolished some time ago. The rationale for doing so was that the grant was simply being absorbed into house prices by builders and was contributing to the substantial rate of increase. I had doubts at the time about whether the grant should have been abolished and I remember some definite cases made known to me where the abolition of the grant was going to cause hardship. However, I believe overall that the rate of increase has stabilised considerably.

It is evident that the cost of house purchases is still very high. I meet many first-time buyers who find it difficult to afford new houses. The All-Party Committee on the Constitution, of which I am a member, recently presented a report to Government on property and the Constitution. During the course of those hearings on this important subject, a considerable degree of time was spent debating house prices and how the value of land and property affected people. The report contains important and worthwhile recommendations and I ask the Minister of State to consider with his Government colleagues how best these recommendations might be implemented.

There is no doubt that first-time buyers still have difficulty accessing housing on the open

[Dr. Devins.]

market, despite the stamp duty changes introduced in budget 2005 which made second-hand homes more affordable for first-time buyers by significantly reducing, and in some cases eliminating, the level of stamp duty payable.

I wish to speak about the provision of housing for those in society who are less well off. The provision of social housing and houses through the affordable housing schemes are the main methods for the State to fulfil its obligation for the supply of houses. It is worth noting that 3,500 housing units will be delivered by the various affordable housing schemes in this current year.

I thank the Minister of State with responsibility for housing, Deputy Noel Ahern, who yesterday agreed to make available an extra €500,000 to a specific housing scheme in Strandhill, County Sligo, which is to be built by the Respond housing agency. This extra money has been allocated to bring the total investment in that scheme to €4.5 million which will allow the scheme to start construction next January with a completion date 18 months later.

There will be 52 housing units available in Strandhill, one of the fastest growing locations in the Sligo area. The striking and beneficial aspect of the scheme is the broad mix of housing types available. It will contain two, three and four bedroom detached, terraced and bungalow houses. In addition it will contain a ten-bed housing unit. Such a wide mix of house type should ensure a broad range of family occupants. The applications for this scheme are already being made.

The overall budget in 2005 for social housing was a record high of €1.3 billion. Over recent years not all local authorities were able to take up the allocations made to them for the provision of housing. There are different reasons for the take-up by local authorities but the decision by the Minister for Finance to provide a capital envelope has ensured that councils which utilise their housing allocation will be in receipt of increased money the following year. This has removed uncertainty about funding and has encouraged local authorities to actively provide houses for people on their housing lists.

It has been estimated that it can take up to four years to see the construction of a house through from beginning to end, starting with the identification of the land through to completion of the house. Some local authorities had very small land banks available to them at a time when there was a rapidly increasing need for the provision of housing. In that regard I commend my own local authorities in both County Sligo and County Leitrim who this year were allocated €9.8 million in the case of County Sligo and €5 million in County Leitrim for their housing programmes. It is worth comparing those figures with the allocation given to them in 2004 when Sligo County Council only received €6.2 million. Likewise, Sligo Borough Council had an allocation last year

of €6.3 million and this year there has been an increase to €7.8 million.

Last year saw 95 completions in my area. I urge all three local authorities to redouble their efforts to provide as many houses as possible during the current year. The Minister has indicated that the money is available. The people who need the houses exist, as the waiting lists indicate. We should marry both together and continue to provide the badly needed social housing in both counties Sligo and Leitrim.

Another aspect of the housing situation is the refurbishment of older local authority housing through the excellent remedial works scheme. In my home town of Sligo work is under way in both St. Joseph's Terrace and Garavogue Villas, with completion dates for both schemes early next year. There has been disruption for some tenants during the reconstruction with particularly severe disruption in St. Joseph's Terrace. My understanding is that those difficulties have now been resolved and I hope this is the case. The people living there are the innocent victims in this saga.

Other estates in Sligo town which will be undergoing refurbishment in the near future include St. Brigid's Terrace and Jinks Avenue. The closing date for receipt of tenders was last Monday. A total of 37 houses in St. Edward's Terrace will be ready to go to tender following the acceptance by Sligo Borough Council of Part 8 documentation at its next meeting in December. A total of 106 houses in Treacy Avenue have had details submitted to the Department last September concerning their refurbishment. I ask the Minister to ensure that his officials expedite this proposal as soon as possible so that these houses can be refurbished to standards appropriate to this century. Sligo Borough Council received a total capital allocation from the Department of €2 million this year to carry out these remedial works. This is money well spent and is an example of productive use of housing allocations.

Money is also available through the disabled person's grant and the emergency repairs grant for carrying out necessary house repairs. Last year, Sligo County Council received €250,000 and will receive €500,000 this year. Last year, Sligo Borough Council received €116,000 and will receive €700,000 this year. As all Members are aware, there have been significant increases in the number of applications under these schemes which serve a very useful purpose and are of great benefit to the elderly and those whose houses need essential repairs. There is a massive increase in the money available this year under these schemes. Sligo County Council will receive an increase of 100% and Sligo Borough Council will receive an increase of more than 600%. This demonstrates the responsiveness of the Government to the undoubted demand.

Housing is a basic right. I commend the Minister on the increased allocation to Leitrim County

Council, Sligo County Council and Sligo Borough Council. I ask him to use his good offices to develop methods to ensure that the financial burden on first-time buyers continues to be alleviated.

Mr. Sargent: Tá áthas orm an deis seo a fháil. Tá mé ag roinnt mo chuid ama le mo chomhghleacaithe, Deputy Healy and Deputy Crowe.

This country has something of a dysfunctional housing policy which is accelerating the breakdown of communities. The symptoms point to the fact that this country has failed to tackle the inordinate increase in land value that comes by way of rezoning land from agricultural use to housing development. When I was a member of the all-party committee on the Constitution which dealt with property, this was one of the issues which occupied a considerable amount of time and many experts were invited to speak to the committee. The Government is running away from the elephant in the middle of the room, which is the issue of affordable housing. It was proven many times that the Constitution allows, without the need for a referendum, for the Government to ensure any increase in the price of land can be returned to the community by way of a windfall tax. Compulsory purchase orders by local authorities could be used for the purpose of ensuring properly planned housing and communities.

Somebody is pulling the strings, and not in the interests of the public. The cost of housing is so high and unaffordable that it puts pressure on families. Both parents are forced to go out to work with its knock-on effects on child rearing and difficulties brought about by parents not staying at home during a child's younger years. All those knock-on effects give rise to considerable problems in communities the length and breadth of Ireland. They give rise to isolation in rural communities and to lack of parental control in urban areas. I appeal to the Government on the basis of this debate to come forward and finally face up to that elephant in the room, the need for—

Mr. Quinn: There are a great many elephants in different rooms.

Mr. Durkan: We need bigger houses.

Mr. Quinn: Every political problem has an elephant in the room.

Mr. Sargent: It is so obvious that I really do not want to trivialise the matter in any way, I merely want to bring the Government back to the all-party committee's recommendations to tackle the heart of affordability in housing. If that was done, we would be able to ensure that our communities were had affordable housing, in many cases a parent could stay at home at least for part of the life of the children and there would be greater community involvement and much more volun-

teer involvement in the community, which is a feature we are not seeing. As a basic start, I challenge the Government to allow housing to be a basic right in the Constitution. From there on, the onus would be on the Government to deliver on that.

Mr. Crowe: I did not hear anyone on the Government benches speak about a crisis. There is a crisis in housing. Other speakers have stated we are living in a different world but people who come to my clinics speak in terms of a crisis. It is a crisis for the 48,413 families, many of which are living in poor or overcrowded conditions, that are on local authority housing lists because they cannot get housed.

Is it not a crisis if one is homeless in this city? On 11 September the homeless mobilised outside this building because three people died sleeping rough on the streets. That, to me, is a crisis.

The likes of the Simon Community, which is dealing with homeless people, states that more hostels are being built but there is no movement of people into local authority housing. The people concerned are stuck in hostel accommodation. They cannot move on with their lives. They cannot get on with getting jobs etc. because they do not have accommodation. That is a reality. That is a crisis for people.

There are people sleeping rough in my area of Tallaght, but the local authority is not aware of it. Today I spoke to three people who are sleeping rough. That is a crisis. If one speaks to the homeless unit in Tallaght, the staff will speak of the crisis that exists.

The Government's emphasis is on affordable housing and shared ownership. The previous speaker stated it was difficult for first-time buyers to purchase houses, and so it is, but is it not more difficult for people who are poor, people with a disability or people on low wages? It certainly is not easy for them. This is the same Government that says that the gap has not grown between the rich and the poor. Of course we are living in a different world if we say that.

Some €375 million is spent on rent supplements. Why is that not being invested in social housing? It makes no sense. We are lectured constantly about our lack of experience in economics, but the reality is the Government would rather give the money to landlords than invest in public housing. That needs to change.

Housing prices have continued to rise. The figures for the quarter to June 2005 show an increase of 11.8% nationwide and 7.4% in Dublin. Second-hand house prices increased by 10.1% nationwide and by 10.3% in Dublin. Wages are not increasing by that much for many people and that is the crisis people are facing.

Mr. Healy: There are none so blind as those who refuse to see. I was here earlier to hear Deputy Fleming tell us that there was no housing

[Mr. Healy.]

crisis and everything was hunky-dory. As we speak, there are 50,000 families on local authority house waiting lists. That is 10,000 more than when the Government parties took office in 1997. If that is not a crisis, I do not know what is.

The reason there is a crisis is the Government has refused to put enough money into building local authority and voluntary houses. There are people waiting on local authority housing lists for two, three, four and five years. Unfortunately, there is no political will to ensure that these local authority applicants get houses any quicker.

We are not building anything like enough local authority houses. The NESC report suggested that we must build at least 10,000 local authority houses every year for the next eight years if we are to make any inroads into the problem.

No doubt part of the problem in this regard is the price of building land. When I was a young clerical officer in south Tipperary county council in the early 1970s, all the talk was of the Kenny report which would control the price of building land. Nothing has been done about this in the 30 years since because the people who own that land are supporters of Fianna Fáil and the Progressive Democrats. The handful of billionaire developers who own that land in Dublin and the handful outside the country are supporters of the Government. The Government does not have the political will to challenge these people and to control the price of building land.

I will make one more point in the short time available to me. In every town, village and city across the country, and in local authority housing estates in particular, we need proper management of local authority estates, community and sporting facilities for young people and community gardaí to ensure that the anti-social behaviour evident in every corner of this country is tackled properly. There must be community gardaí available to liaise with young people as they grow up and there must be community facilities available for those young people to ensure they, their families and their neighbours have a future.

Mr. McGuinness: Since my involvement as a member of the local authority in my area, from 1979 up to the point where we had to cease such membership because of the end of the dual mandate, which was a daft notion, I have seen substantial change in the approach to local authority housing. I applaud the various initiatives such as the shared ownership scheme, the affordable housing scheme, the continuing social housing, the rent supplement scheme to a degree and the Part V process. Down the years I have seen all those initiatives make an impact in one way or another on the housing lists.

Regardless of what the Government will do, there will always be a group on the housing list who simply cannot afford to build or buy their own house, who must rely on the local authority.

That is a growing number. As the population increases and there is a demand on young people to have their own place, people aspire to having their own local authority house if they are in that category.

It is a little unfortunate that we allowed the rent supplement scheme to grow from €5 million, as it was in the beginning, to the present level of €305 million without putting in place a method of filling that market by providing the accommodation that is needed in the context of local authority dwellings. If we had focused earlier on the emergence of the different categories on the local authority housing lists, we would have terminated the rent supplement scheme and fulfilled the demand for that scheme by way of a high number of a specific kind of local authority houses. By that I mean that if we audited the local authority housing lists, there are people living in three-bedroom houses who would prefer to be in two-bedroom or one-bedroom houses etc. We could have achieved the goal of reducing the number on the housing list and ceasing the rent supplement scheme.

I tend to agree with Deputy Crowe that at times it seems that it is solely landlords who are benefiting from that scheme. Rent for poor quality rented properties, at least down the country, has increased substantially because of the existence of that scheme, just as the price of private houses has increased substantially because of the shared ownership scheme. In my county, every time the maximum loan available under the scheme increases, the cost of the units increases. The maximum loan amounts to €165,000 in my county at present. The increases demonstrate greed on the part of those providing the accommodation in question. The Part V process, whereby land is made available to local authorities in private housing schemes, is working and will fulfil a need.

The length of waiting lists for local authority housing is growing and a number of single men and women have been on the lists for many years. The type of accommodation they require is not made available frequently enough to reduce the number on the waiting lists. I encourage the Minister of State to focus on that group. He should also consider those people of a certain generation who had to emigrate to the United Kingdom and beyond to find employment and who have now fallen on hard times. They want to come home and, while there is limited scope for them to do so, we should broaden this scope by providing the necessary local authority housing.

There is now a lack of land banks in local authority areas because they have been exhausted over the years. We need a scheme to allow the local authorities buy land from the private sector at a price that is reasonable relative to the acceptable cost per unit under the local authority housing scheme. This is the only way we can address the problem and provide apartment-style accom-

modation for those single men and women who need to be housed and taken out of private sector accommodation.

The bureaucracy pertaining to the disabled person's grant scheme and the housing aid for the elderly scheme is considerable and the people waiting for improvements to their homes under these schemes do not have time to endure it. A simplified scheme in the form of a home package, administered through the local government structure, is needed. I encourage a serious overhaul of both the disabled person's grant and housing aid for the elderly schemes so the bureaucracy could be removed and the grants made more realistic. The focus should be on the disabled or elderly person to ensure the relevant grant is delivered on time.

Given the emergence of the voluntary housing sector, which includes Respond in Kilkenny, and the emergence of the affordable housing scheme, which are sometimes coupled under or operating in conjunction with a local authority housing scheme, there is need for overall scheme management. This is not being delivered by the local authorities or the voluntary housing associations. They are not interested in dealing with anti-social behaviour, which is now emerging as a significant issue throughout the country, yet the directors of services and county managers are being paid well enough to deal with all the issues that arise in this regard. I have said this directly to the Department officials in Kilkenny. The directors of services and county managers should deal with the issues in a comprehensive way with the other agencies involved and the Garda. It is part of their remit to ensure that anti-social behaviour is dealt with in the context of supporting good, decent tenants in housing estates throughout the country.

If anti-social behaviour is left unaddressed, as is now the case, it will become more widespread. We need to engage with the Health Service Executive in this regard because it encourages some of the people on its waiting lists to enter private rented accommodation. Some of these people are known drug users, are known to be providing drugs for use by others. In Kilkenny city there is a serious heroin problem, yet it is unrecognised by the agencies and those involved in allocating housing, be they in the private sector, Respond or the local authority. We are allowing difficulties to fester in the estates in question. In saying that, I acknowledge the substantial money given to Respond, other voluntary agencies and local authorities to deal with housing.

Dealing with housing should go beyond giving a person a house. Those concerned have a responsibility to manage estates in the way they should be managed, that is, in the interest of the good tenants living therein. If they do not manage the estates properly, they are negligent in their duties and do not do justice to the system in

which persons in need are granted houses and in which they should be given the type of support they require in their housing estates.

Reference was made in this debate and others to community gardaí. The presence of a community garda in any estate is pivotal to addressing the problems that exist therein. I ask the Minister, when briefing county managers, to insist that they allocate houses in consultation with all the relevant agencies so the right mix of people will exist in every housing estate and they will not dump most of the people who are perhaps undesirable into a single housing estate. This would not represent good management, yet it is happening in my county and in some neighbouring counties. We are receiving complaints as a result of that method of allocating houses.

On the affordable housing scheme, the claw-back system is a good idea. However, it is working against tenants who find that the scheme suits them initially but who discover after some years that it actually militates against them when they want to sell their property after bettering their circumstances. We need to review the system to ensure we are affording the best possible advantage to the tenant to improve his or her circumstances and move on without being penalised to the extent that he or she must refuse or decide not to move because of the amount of money being clawed back. The housing initiatives are good but need to be tailored to the reality of the housing scene in local authority areas.

Mr. Durkan: I wish to share my time with Deputy Quinn.

Acting Chairman (Mr. McGinley): Is that agreed? Agreed.

Mr. Durkan: I am glad of the opportunity to speak on this very important issue, on which the Government has been silent for the past eight years. This is the first time in its term of office and that of its predecessor that any attempt has been made to come into the open and talk about housing.

When I hear the mantra from the Government side of the House that 75,000 houses have been built, I agree with it, but one should note that some of these houses are penthouses. Some are worth €2 million or €3 million and some of those who live in them frequent the tent at Ballybrit races regularly. The more houses that are built, the more space that must be made in the tent to accommodate the investors and landlords who have bought them. Blocks of houses throughout the country have been bought by investors who in turn are renting them to people who should be, but are not, housed by their local authorities. Almost €400 million is being paid in rent subsidies every year to people who frequent the tent in Ballybrit because the local authorities have not been able to build houses.

[Mr. Durkan.]

The Government's performance in respect of local authority housing is nothing short of a disgrace. The Minister of State knows I have become frustrated talking to him about this matter in recent years. The Government's record is appalling and all that has happened in recent times is that it has made some semblance of an attempt to address the issue in the hope of justifying its existence in recent years to the public before an upcoming general election.

Mr. N. Ahern: Why does the Deputy not talk to his local authority?

Mr. Durkan: It is absolutely disgraceful.

Mr. N. Ahern: The Deputy should not blame us.

Mr. Durkan: Deputy Noel Ahern is Minister for State and he has the power to tell local authorities what they should be doing.

Mr. N. Ahern: The Deputy and his colleagues were members of local authorities and they did nothing.

Mr. Durkan: The Minister of State did nothing—

Mr. N. Ahern: There were no demands coming in to us.

Mr. Durkan: —and his predecessor did nothing. He should be ashamed of himself. The Government members should all bow out collectively and say they are sorry because they failed miserably.

Mr. N. Ahern: What would Deputy Durkan do? If he could not succeed at Kildare County Council level, he will not succeed in government.

Mr. Durkan: Let me deal with the point on the clawback made by my colleague from the Carlow-Kilkenny constituency. The clawback, which is now being applied after 20 years, is Dickensian. One would not have had such a system in the communist days. Where in God's name did the Government come up with that nonsense? If somebody buys an affordable house or if the purchase of his or her house is assisted in any way, through shared ownership or otherwise, there is a clawback. If the person moves to Cork or Donegal—

Mr. Quinn: If they are decentralised.

Mr. Durkan: —within 20 years, he or she will have to begin again on the housing ladder. Why is this the case? It should be remembered that some of the land on which these houses are to be built was bought for nothing and has been in the hands of local authorities for 25 years. I do not

know what purpose the clawback serves. It is just an excuse.

I would like to raise many other issues but I do not have sufficient time to do so. However, I will raise the issue of loans, about which the Minister is aware. The maximum shared ownership loan available in my constituency is €165,000. The Minister of State regularly tells me that it is possible to buy a house for that sum. Where within a radius of 30 miles of Dublin can one buy a house for €165,000? What age is the Government living in? It should come into the real world. This has been a reality for the past five or six years but the Government has done nothing.

Mr. N. Ahern: We have. Does the Deputy want us to increase the limits every month?

Mr. Durkan: The limit was €125,000 up to one year ago, which was even worse.

Mr. N. Ahern: We changed it.

Mr. Durkan: Yet, the Government tries to defend itself by claiming everything in the garden is rosy and that it has done much work in providing 75,000 houses. These houses were provided for the wealthy in many cases. I have nothing against wealthy people. However, the Government should not try to con the people and the Opposition by pretending it has done something for those in need of housing because it has not. It should apologise to the people and will have an opportunity to do so in due course.

The disabled person's grant was referred to, and this is another aspect of the Government's appalling record. Some people with disabilities have been on the list for a disabled person's grant for up to five years. If the money runs out, their applications are postponed for a year. If it runs out the following year, they are told it cannot be done. In many cases, sadly, the people involved pass on while waiting for action from the Government. In addition, new house grants were removed in case they would be of any benefit to the unfortunate people who need them. It is an appalling record. The Government should be ashamed of itself.

We should have a lengthy debate on this issue to enable us to tell the Members on the other side of the House how they have failed miserably and to point the people in the right direction when the next opportunity comes for them to give the Government the answer it richly deserves.

Mr. Quinn: I am glad the Minister of State with responsibility for housing is present because I wish to ask him to do something that he can do, namely, make home owners of 6,000 people who want to be home owners by addressing the memorandum sent to him by Dublin City Council on 13 June in respect of the sale of flats scheme for the 12,000 flats the council owns. I suspect that the Members present either own a house, have a

mortgage on a house or have aspirations to own a house.

One of the great achievements of successive Governments was to enable tenants of local authority houses to buy their houses. All studies show that this process transforms the maintenance and care of the house, the family within it and, by extension, the estate in which those people live. They can trade up if that is their aspiration or move sideways if they need to do so. However, one category of people cannot do this: the brothers, sisters, families and neighbours of those in purchased local authority houses who happen to live beside them in local authority flats. According to Brendan Kenny of Dublin City Council, given the opportunity, some 6,000 tenants in this position would probably apply to buy the flats in the morning.

The Department of the Environment, Heritage and Local Government has been in possession of a memorandum since the end of June which was a consolidation and improvement on a previous memorandum of one year earlier. There has been endless discussion on the issue, with which the Minister of State is familiar, but I ask him to take action. He should ensure his Department not only acknowledges the memorandum but responds to it. If he has concerns or queries with regard to its applicability or its viability — I would be the first to accept the system in place is not perfect — he should articulate these and let the city council and its officials respond and address his concerns.

A major concern was the management capability of home owners in a block where 70% might be owner-occupiers and the remaining 30% would be local authority tenants. There was clear demarcation of responsibility and shared accountability. The decision by the city council to retain the management function for the entire physical entity of the block removes that legitimate fear. Down the road, when an expertise has been created and some experience has been gained in regard to owning property in such complexes, it will be possible to consider the next stage when the city council could perhaps transfer the maintenance function of local authority flat complexes to an independent body accountable to the owner-occupiers, the tenants and, by extension, the city council.

There has been a deafening silence from the Minister of State and his Department. I do not know what fear exists or why the Minister of State is worried about responding or saying we should do it. I know people who have been applying to buy their flats in Ringsend and Irishtown for the past 20 years, while their brothers, cousins and neighbours were able to buy their houses, move on and use the proceeds, with or without a clawback, to make the best of their lives. This opportunity is denied to local authority flat dwellers, largely in Dublin City Council areas although there are some in Cork and Limerick

and perhaps a very few in Kilkenny city. Some 6,000 people who want to become home owners immediately and who have the capability to become such provided the terms are right and a certain degree of historical——

Mr. N. Ahern: We cannot——

Mr. Quinn: They have signed on for housing. The Minister of State cannot apply the ten-year rule and the 2% or 3% discount for people who applied——

Mr. N. Ahern: Should we give them away?

Mr. Quinn: It was done in the past. It might be cheaper in some respects. It is certain that we cannot simply use the existing system which does not take into account the market value of the houses or the income of many of the people in them. By definition, people who earned higher incomes and wanted to own their own houses gave up on buying their flats many years ago and moved on. Therefore, a different cohort with a lower threshold of income now lives in those flats. However, they still want to buy and ownership is a better social bet in terms of fairness for the occupants and social stability in the flat complexes.

Mr. N. Ahern: What about maintenance?

Mr. Quinn: Maintenance will be undertaken by the local authority on a fee basis.

Mr. N. Ahern: The tenant will buy but the taxpayer will maintain the property.

Mr. Quinn: Maintenance is already dealt with. These are the questions that the local authority is eager to answer if the Minister of State would only pose them, put them in an envelope and send them to the local authority.

Mr. N. Ahern: Do the councillors in the Deputy's party agree with him?

Mr. Quinn: Yes, they do.

Mr. N. Ahern: If they spoke with one voice, it might help.

Mr. Quinn: I do not know of any Labour Party councillor who wants to tell a person that he or she cannot own his or her own house. If they do, they are offside in terms of policy. I own my house, as do most Members. I would not deny that right to anybody else. Anybody wearing my party label who says that I can own my house but others cannot is not on my side.

Mr. D. Moynihan: I wish to share my time with Deputy Finneran.

Acting Chairman: Is that agreed? Agreed.

Mr. D. Moynihan: The Government has successfully promoted a range of measures to boost the overall supply of housing, modernise and develop the private rented sector and provide a range of well targeted schemes to meet the needs of those who cannot afford accommodation in the private sector. As a result, we have seen record levels of housing output in recent years while social housing output has reached levels not seen for more than a generation. The achievements witnessed in the housing construction industry in the past decade are nothing short of phenomenal. We have rates of house building not seen elsewhere in Europe. To put the scale of activity into perspective, three out of every ten homes in Ireland have been built within the past ten years, which is almost 500,000 units. The overall prospects for the housing market appear positive in the context of continuing economic strength, income growth and current favourable interest rates. The indications are that there will be a continued high level of housing output in 2005 and succeeding years.

In recent years we have put in place a range of targeted schemes to assist first-time buyers. These included the shared ownership scheme and the 99 affordable housing schemes developed under Part V of the Planning and Development Act. Almost 17,000 houses have already been purchased through the shared ownership scheme and more than 3,900 houses have been provided through the 99 affordable housing schemes. The projected 2,500 units under Part V of the Planning and Development Act amounts to over 10,000 units in total projected for delivery under this initiative. Increased housing output is providing greater opportunities for first-time purchasers. In addition, the stamp duty changes announced in the 2005 budget have helped open up the second-hand market to first-time buyers, providing savings of up to €12,000 in some cases. Interest relief is also designed to favour first-time buyers. The Government is ensuring that more and more young people are realising the wish to own their own houses.

On social housing, record levels of funding have been allocated to local authorities for the 2005 housing programme. This improved funding means that 5,500 new local authority houses will have commenced construction this year compared to an average of 4,700 in the past three years. Between local authority and voluntary housing programmes work is in progress on more than 10,000 social housing units at present. Some €17 million will be spent this year on disabled persons and essential repair grants schemes for the elderly. The new central heating programme provides funding for local authorities to install central heating in their homes. A provision of €30 million has been made for this programme in the current year.

Local authorities have been enabled to purchase additional housing stock and to give loans

to individuals to purchase their own houses, which has been a great achievement.

Dr. Cowley: I am grateful for the opportunity to speak on this significant issue. I echo many of the concerns raised by other Members of the House, particularly about the need for the Government to put a greater focus on social housing. I have a number of comments which I hope the Minister of State will find constructive. Like all Members, I am interested in finding solutions to people's housing problems. I face this situation on a day-to-day basis so my comments will be in that vein.

No one will argue that the output of private housing has not increased. However, one must look at the housing system in its entirety. Why has Ireland such a high level of private housing output with such a low level of social rented housing? This country has one of the lowest percentages of social housing output in the EU. There are still tens of thousands of families on waiting lists looking for social housing. As a society we cannot simply forget their housing needs. For many poor and vulnerable households, access to good quality social housing is essential in that it underpins access to employment opportunities and health care while allowing people to rear their families in a stable environment.

Social housing is not just about bricks and mortar. It has evolved in recent years by providing a range of services for vulnerable households. One of the great creative challenges in the years ahead is to integrate housing with other policy areas such as health, which traditionally happened only on an *ad hoc* basis.

From my own background I am aware of how the voluntary housing sector has expanded. The sector is operating well below full capacity, however, and it is disappointing that the Minister of State has not shown greater urgency in clearing some of the blockages that voluntary housing organisations encounter. In Mayo, for instance, the two most common questions in this regard are, in effect, why the Government has not increased the capital funding limits for voluntary housing organisations since 2002 and why there is such a delay in getting schemes technically approved by the Government, as this did not happen in the past.

Having been involved in this sector since the early 1990s, I cannot recall such a long period during which there was no increase in the capital funding limits, which in some respects are more important than the overall increase in expenditure. I recall when the capital funding limits in the mid-1990s were not adjusted for over two years, the output of this sector fell dramatically to just over 400 new homes per year. That is why I urge the Minister of State to take action, as similar signs are starting to appear, with output in the voluntary housing sector falling in 2004. Early

intervention to increase the limits in 2003 and 2004 would have prevented this.

I also ask the Minister of State to ensure that voluntary housing schemes that have been through the local authority planning process are not held up for months on end by the Department's technical officials. Perhaps the Minister of State will consider other ways to speed up the process, such as getting the National Building Agency involved. I am particularly disappointed that, having passed legislation in 2002 to allow voluntary organisations access to the Housing Finance Agency, nothing has happened to date.

I am sure the Minister of State is aware of the good work local housing associations undertake in meeting housing needs. However, this commitment and good faith by voluntary housing organisations must be met half way by Government. Otherwise lack of action on a number of these issues will demoralise organisations and show that the Government is only half-hearted in its commitment. It is not enough to keep repeating verbal commitments, concrete action is needed.

I acknowledge the Government's decision to support the safe home programme to assist returning elderly emigrants. This has been a major success to date, with more than 400 elderly people being housed throughout the country. I am somewhat concerned, however, that if the capital funding limits are not increased housing associations will not be able to provide many more units for the elderly. I also urge the Minister of State to take the lead in promoting sheltered housing. Sheltered housing keeps elderly people in their own communities and prevents them from moving prematurely to nursing homes. Too often there has been buck-passing as regards who is responsible for the various aspects of sheltered housing. I ask the Minister of State to consult his counterpart in the Department of Health and Children to ensure that sufficient dedicated revenue is provided for the ongoing running costs in sheltered housing.

Sheltered housing has been a great success and that is why co-operation with the Minister of State's counterpart in the Department of Health and Children is essential in making this area more mainstream to meet the needs of the elderly. I am concerned, from feedback in the west, that the elderly and people with disabilities will not appear in large numbers on local authority waiting lists for a variety of reasons. In future housing needs assessments should be made so that the care and supports needed by these groups are taken into consideration. This is essential for the planning of new projects. A major awareness campaign should be conducted by the Government in terms of local authority waiting lists and assessments, similar to what is being done by the affordable homes partnership as regards affordable housing. Many vulnerable groups and new immigrants are unclear as to how those on waiting lists are dealt with.

I urge the Minister of State to take on board the recommendations on social housing produced by the National Economic and Social Council in 2004 and to make this a much greater priority. Otherwise it will become the Cinderella of the housing system.

Mr. Kehoe: I intend to share my time with Deputy Deenihan.

It is good to have the opportunity to speak on this issue which is, perhaps, the greatest single problem being faced by young adults today in terms of owning their own house. A crisis has been developing since this Administration took office in 1997, which the Government has done its best to ignore, namely, that hundreds of thousands of young people can no longer afford to buy a house. In Wexford, as in other counties, many young people are putting their names on local authority housing lists either because they cannot afford to buy a house or cannot get planning permission.

The Minister for the Environment, Heritage and Local Government, Deputy Roche, and the Minister of State, Deputy Noel Ahern, have painted a rosy picture of housing in Ireland over the past few years. However, it is far from rosy. They said we were going through a golden age, but nothing is further from the truth. A report today predicts that the average price of a house in Dublin has gone up to €500,000.

Mr. N. Ahern: There are houses worth €1 million thrown into that statistic.

Mr. Kehoe: The Minister of State may well shrug and ask from where I am getting those figures. However, in any auctioneering firm in north or south Dublin, the average three or four-bedroom house costs €350,000 to €400,000 at present. A year from now it will cost €500,000.

If the Minister of State was under 30 years of age, would he be able to get a mortgage of €500,000? I do not believe so.

Mr. N. Ahern: One could get enough for a starter home, which is what is needed.

Mr. Kehoe: It is very easy to say that. The Minister of State took away the first-time buyer's grant.

Mr. Cregan: No, he did not.

Mr. Kehoe: Who took it away?

Mr. Cregan: There is a tax concession for that.

Mr. Kehoe: Who took it away? Fianna Fáil took it away.

Mr. Cregan: For a very good reason.

Mr. Kehoe: I have listened to Fianna Fáil Deputies in this debate. They say one thing in the House but they speak from the other side of their mouths outside it. They say one thing in this House when no one in their locality is taking notice. Fianna Fáil has destroyed the housing market for the first-time buyer. Young people cannot get a loan of €450,000 to buy a house. They must come to Gorey and Enniscorthy and commute on a daily basis to Dublin, which causes major traffic problems in the area. That is how the Government has solved the problem. It has moved these people out of Dublin and let them commute, which destroys the family life they already have. That is not the answer to every crisis.

The number of Dublin people who have moved into Gorey, Enniscorthy and Wexford in recent years is colossal. They are lovely people to deal with. They want to stay in Dublin but cannot afford a house there. The Deputy may claim that these are people who are retiring, but that is not the case. People come into my office daily looking for planning permission. In fairness, Wexford County Council has changed some of the planning guidelines and by-laws to help the people who want to buy their own houses. This puts pressure on other amenities such as schools. Gorey is one of the fastest growing towns in the country.

In Enniscorthy, we are waiting on the completion of part of the main drainage scheme. We have been waiting for this for years. Nothing has happened in Enniscorthy since Fine Gael went out of Government in 1997. We will have to wait until Fine Gael gets back into Government to ensure that something else happens in Enniscorthy, because the town had a boom when Fine Gael and Labour were in Government. It will have another boom after the next general election because we will be on the Government side of the House.

Mr. Deenihan: Hear, hear.

Mr. Kehoe: I hold the Government accountable, with the present and past Ministers for the Environment, Heritage and Local Government, for the delay in completing the main drainage scheme on the east side of Enniscorthy. It has held up planning permission for many large housing schemes. I hold the Government to account on this. It is a scandal. The Government has neglected the town and will continue to do so.

Mr. N. Ahern: Where is this scheme on the council list?

Mr. Kehoe: From where does the council get its funding? It gets funding from the Government.

Mr. N. Ahern: Where is it on the council priority list?

Mr. Kehoe: The Government is not giving it the funding to complete the main drainage scheme.

Mr. N. Ahern: Did the council make it number one on its list?

Mr. Deenihan: I am delighted to have the opportunity to say a few words on this motion. I welcome the fact that many new houses are being built in Ireland at present. However, as has been pointed out, supply has outstripped demand and there are now 30,000 vacant houses. The new housing surge is welcome and is driving much of the economy, especially in rural Ireland.

That said, I am concerned by the level of indebtedness of many young people. I recently read that household debt could reach 160% of disposable income within two years, up from 50% in 1995. It will reach 120% by the end of this year. Much of that is being fuelled by huge mortgages taken out to buy houses and even second houses. The market is being driven by investors in most cases. In many rural towns, investors rather than families are buying houses. I live in an estate where probably 50% of the houses are privately owned, while the rest belong to investors. That is the current trend. Deputy McGuinness mentioned the figure of €380 million in rent subsidy. Most of these houses are being subsidised by taxpayers.

In the UK, the number of people unable to pay their debts and applying for bankruptcy reached its highest level since records began 35 years ago. Many of these people took out mortgages for houses. I hope there will not be any blip in the European Central Bank interest rates. If there is to be a blip, there will be casualties. I hope that this does not happen because if it did, the economy would suffer a shock.

It is predicted that around 77,000 houses will be built per annum up to 2008. In Kerry, 3,121 people were on the social housing list on 7 October. That is one of the highest figures I know. I was on the local authority there for a number of years. It was never at that level. In Tralee there are people on the housing list that could not expect to be housed for up to ten years. They cannot get any other form of housing, so that is of great concern. The Government Deputies will support what the Minister is doing and the Opposition will try to say he is not doing enough. That is natural. The reality is that there is a problem that must be addressed.

The guidelines for rural housing are making no difference because the county development plan is taking precedence over them. If sewerage provision were made available to the 28 villages in Kerry that have applied for it, it would relieve the housing shortage considerably in the county. It would reduce the cost of land and housing.

Mr. Cregan: I am glad to have the opportunity to speak on the housing issue. I congratulate the

Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, for ensuring that the Government has been committed and has delivered more local authority housing than any Government in the history of the State. There were a record number of 77,000 housing starts in 2004. This is a functional policy and not a dysfunctional one as described by Deputy Sargent.

Deputy Crowe and others referred to a crisis. I do not believe there is one. Deputy Crowe spoke about homeless people and those sleeping rough and he asked why. There are some people sleeping rough who deserve to be accommodated. There are many others who by choice have left local authority housing provided by this State. It was mentioned that rent supplement was paid at a cost of €305 million this year. That money is paid by the Department to support those people genuinely awaiting local authority housing. It was also mentioned that 50,000 applicants were on waiting lists. I do not believe for one minute that 50,000 is the correct figure. Many are on the list for different reasons best known to themselves.

There was a time when the greatest demand for local authority housing was for family housing. That is no longer the case, however. All county councils and corporations must move towards providing more single parent homes because that demand must be met.

The council in my area, in co-operation with the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, his Department and officials, is doing an excellent job in meeting its targets. The council will continue to deliver its multi-annual building programme, which runs from 2004 to 2008. A total of 114 units commenced in 2005, while the number of completions will be 134. At present, 122 units are under construction and the total expenditure during the present year will come to €16.8 million.

We must achieve high standards, as we ask local authority tenants to pay significant, and increasing, rents on an annual basis. To provide value for money, local authority houses must have proper doors and windows and central heating, and must meet the required standards. During the current year, Limerick County Council will complete the fourth phase of its programme to replace windows and doors in all its local authority housing. The total number of houses completed by the end of 2005 will be 697, at a total cost of €2.27 million. During the current year, Limerick County Council continued the delivery of its planned maintenance programme to install central heating in 710 local authority houses. At the end of this year, work on 204 houses will be completed at a total cost of €1.5 million.

Earlier, Deputy Durkan performed a song and dance about the provision of disability grants in his county. Shame on that council. I ask Members to consider the County Limerick story instead.

During the current year, a total of 232 applications have been received to date. Of these applications, 216 have been approved for assistance and the total expenditure comes to almost €1 million. As for essential repair grants, 51 applications have been received and 46 have been approved. In other words, targets are being met successfully with the co-operation of the Minister of State and the departmental officials. As for voluntary housing, the Taoiseach has laid great emphasis on community efforts and community building. In County Limerick, 35 voluntary local housing groups are active. They are to be commended on providing 483 units of housing in County Limerick. I commend the Minister of State on his efforts and I hope he continues his good work.

Mr. M. Moynihan: I thank the Acting Chair for the opportunity to speak to the House on the issue of housing. Housing, be it social, affordable or whatever is one of the most important issues facing our communities throughout the country. In the time allotted to me, I wish to discuss housing in rural Ireland. In particular, I wish to speak about the small villages throughout the country which, over the past six or seven years, have seen the construction of housing estates on a scale which we could not have envisaged even ten years ago.

In 1997, the pressing issues were that small villages were dying, school numbers were reducing, the number of teachers and classrooms was being reduced and so forth. Seven or eight years later, the boom and the amount of housing construction in the rural villages and small towns has meant that the issues have changed. The issue now is that a school may be unable to take its anticipated number of pupils in three or four years' time. While the facilities in some of the provincial towns such as football pitches, playgrounds and so forth already existed, in some of the smaller villages, the recreational infrastructure was not put in place while the houses were built.

This issue is a by-product of the prosperity which we have witnessed and it is good to see these communities become live, active and vibrant once again. As politicians, Members should examine county development plans, particularly at county council level, to ensure that zoning is carried out in respect of the provision of facilities that may be required, such as extra schools, playgrounds or other recreational facilities. Such facilities should be taken into account when the county development plan is drawn up.

From time to time in the national media, rural once-off planning is bandied about as being detrimental to the provision of sustainable services and so forth. The guidelines have been relaxed somewhat and we must ensure that through the local authorities, people from rural communities are allowed to attain planning permission and to live in those rural communities. They will be able

[Mr. M. Moynihan.]

to live and create a vibrant rural community because——

Acting Chairman: The Deputy should conclude as I wish to call on the Minister of State to reply.

Mr. M. Moynihan: It is vitally important that the planning guidelines are adhered to by all local authorities and that once-off houses are achievable and sustainable in rural Ireland.

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I thank all the Members who spoke for their contributions. The Government has set extremely ambitious housing goals which it is delivering. The important point is that we are delivering record levels of housing in general as well as record levels of investment in social and affordable housing.

Today, I listened to some Members who came into the House to complain about the lack of housing in their areas, some of which I found hard to take. Until two or three years ago, many Members served on local authorities and they still have colleagues serving on them. Such Members should tell their colleagues at local level to get things done and to press on at local authority level. I find this attitude particularly rich coming from Members like Deputies Gilmore and Cuffe, who are both from Dún Laoghaire. The local authority in their area has been extremely poor in meeting the needs of the area and I understand it met less than 50% of the commitments to which it agreed in its four year multi-annual programme.

The same applied when listening to Deputies McCormack and Durkan. There have been no cutbacks in County Galway or anywhere else as far as disabled persons grants are concerned. Any changes are due to the locally-performed mix between disabled persons grants and essential repair grants. A total of €70 million is available from the Department and there is plenty of money for any local authority that provides——

Mr. Kehoe: Tell that to the people of Wexford.

Mr. N. Ahern: ——one third of the funds. If there is a problem in County Galway, it is because the local councillors decided to change the mix or decided not to provide one third of the funding.

Mr. Kehoe: The Minister of State should tell that to the people of Wexford.

Mr. N. Ahern: There are no problems there either.

Moreover, much has been done in respect of housing quality. Almost one third of the total stock has been constructed in the past ten years and houses are now built to a better standard.

With regard to local authority housing, last year we started a scheme to install central heating in approximately 45,000 houses that currently do not have it. That is a major upgrade which will greatly improve the quality of life for those tenants.

While we are concerned about affordability and price rises, trotting out figures based on average prices does not mean much, because houses worth €1 million and €2 million are included in that calculation. It is more relevant to discuss the price of starter homes. Good value is still to be found and the percentage of one's take-home pay that one pays on one's mortgage is more relevant than the price. In recent months, I have attended the official opening of affordable houses in the Dublin area, which cost less than €200,000. They exist and I commend the local authorities which are doing their bit.

Many Members have blamed developers and landowners. I will not defend developers and some of them have been extremely greedy. Of late, however, financial institutions have caused problems. At present, they can be seen offering 100% mortgages and interest-only mortgages. They have so much money that they compete for market share and appear to be lending money to people who may not realise what they are getting into. I have serious concerns in that regard and I wish the financial institutions were somewhat more measured in their actions.

Some Members have come into this House to tell me the number of people on the local authority list in their county. However, we have asked the local authorities for five-year action plans and to inform us as to their local needs. We have made agreements with them and have assured them that funding is certain. Hence, I cannot understand how Members can complain. If a local authority states that 200 units a year are required, but Members come into the House and claim that thousands are needed, what are local authority members doing? Why are we hearing two different stories? We have made agreements and have given commitments to local authorities that whatever they state to be their needs will be met. This is the basis on which I operate.

Many people are now housed with the aid of rent allowance. What is wrong with that? Now that the Government has announced the introduction of the rental accommodation
7 o'clock scheme, a number of speakers have suddenly expressed opposition to housing social tenants in private areas. Must all social tenants be housed in traditional local authority dwellings in traditional working class areas? Why can we not expand our horizons? What is wrong with the scheme?

The Government is delivering on social housing, as demonstrated by its investment of €2 billion in the housing programme this year. After a day of listening to hot air, I have heard no useful proposals. The Government is doing good

work and I hope the Estimates tomorrow or the budget in December will provide additional funding for housing. Those benefiting from social or affordable homes recognise they are being treated well.

Private Members' Business.

Reform of the Competition Act 2002: Motion (Resumed).

The following motion was moved by Deputy Hogan on Tuesday, 15 November 2005:

That Dáil Éireann:

notes,

- the continued presence of excessive charging resulting in higher prices and reduced spending power for consumers;
- that since 1996 the Competition Authority has not secured one significant or meaningful criminal conviction for breach of the Competition Acts; and
- the insufficient resources allocated to the Competition Authority to do its work;

calls for reform of the Competition Act 2002 to allow for:

- the creation of a category of super complaints that can be made by bodies including the Director of Consumer Affairs, the Consumer Association of Ireland, IFSRA, the Financial Services Ombudsman and the Insurance Ombudsman;
- the publication by the Competition Authority of an annual report on the implications of State action for competition in the provision of goods and services which identifies areas where the State, either through direct involvement in the economy, or through regulatory systems, has restricted, inhibited or prevented competition;
- the referral of directors of companies found to be in breach of competition law to the ODCE for possible disqualification;
- the setting of a 30 day deadline by which time the Competition Authority should have responded to a complaint of anti-competitive practices;
- the outlawing of predatory pricing;

and calls on the Minister for Enterprise, Trade and Employment to significantly increase the resources of the Competition Authority.

Debate resumed on amendment No. 1:

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

“notes:

- the importance to a successful fast growing economy of the effective and independent enforcement of competition law so as to prevent the emergence of anti-competitive practices, restrictions on the freedom to trade and barriers to entry in all sectors of the economy;
- that the enactment of the Competition Act 2002 substantially increased the powers and independence of the Competition Authority and provided Ireland with one of the most modern bodies of competition law in the world;
- that the Competition Act 2002 provides the Garda Síochána with powers of arrest and detention in respect of competition offences, as well as making provision for financial penalties of up to €4 million, or 10% of turnover, for breaches of competition law;
- the doubling of the resources available to the Competition Authority in the past five years and the continuing ongoing review in conjunction with the authority of the resource demands arising out of the increased level of activity in the economy;
- the highly complex and resource intensive nature of criminal proceedings for breaches of competition law;
- the determination of the authority to seek criminal convictions for competition offences where it believes such is justified but also its track record in securing voluntary compliance with the provisions of competition law;
- the existence, as a result of powers available to the authority under the Competition Act 2002, of co-operation agreements with other statutory sectoral regulators with a view to guaranteeing effective competition in those sectors of the economy;
- the entitlement of any individual or organisation who becomes aware of anti-competitive practices in the economy to bring complaints in regard to

such activities to the attention of the authority;

- the restrictions that would be imposed on the authority as a result of the creation of statutory deadlines for the investigation of such complaints;
- the powers and functions of the authority under the Competition Act 2002 to study and analyse competitive practices, to investigate any breaches of the Act and any complaints in regard to such breaches, to advise the Government of the implications of any new legislation for competition in goods and services, to publish guidance on compliance with the Act, to carry on such activities as it considers appropriate to inform the public of issues concerning competition and to disclose to the Garda Síochána any information relating to the commission of an offence whether under the Act or otherwise; and
- that the practice of predatory pricing is prohibited under section 5 of the Competition Act 2002 and that the substantial penalties provided for under the Act operate as a very convincing deterrent against engaging in such activity;

calls for:

- the reaffirmation of confidence in the independence, determination and resources of the authority to rigorously enforce competition law;
- the rejection of proposals to introduce any measures which might inhibit the powers and functions of the authority in that regard; and

urges all individuals and organisations to report instances of suspected anti-competitive practices and breaches of the Competition Act 2002 to the authority with a view to ensuring their speedy investigation.”

—(Minister for Enterprise, Trade and Employment, Mr. Martin).

Mr. O’Flynn: I wish to share time with Deputies Ned O’Keeffe, Glennon, Fiona O’Malley and Carey.

I welcome Deputy Kehoe back to the Chamber following a long period of illness. Having travelled with him on an important fact-finding mission to Australia two years ago, I hope to welcome him back to the Committee on Communications, Marine and Natural Resources and travel with him again when he leaves his current position of Whip.

I support the abolition of the groceries order of 1987. While it played an important role at the

time, it no longer meets the needs of the market and does not protect consumers in a market which has changed considerably in the past 20 years. Below cost selling, boycotting and ‘hello’ money were banned by the groceries order. Having resulted in 12 prosecutions over an 18-year period, Deputies can judge for themselves whether the order was effective.

The groceries order was introduced at a time when national, as opposed to multinational, supermarket chains were fighting a fierce battle for customer and market share and using predatory pricing and below cost selling to put the weakest of their number out of business. Some Deputies will recall that the H. Williams supermarket group did not survive but it is also important to note that no multinational retailers operated here at the time.

I agree with the consumer strategy group’s conclusion that consumers pay too much for goods covered by the groceries order, particularly given that comparisons of prices here and in mainland Europe showed that goods were 30% cheaper in Spain and Portugal. It troubles me most that prices charged for groceries in Northern Ireland and the United Kingdom on the one hand and the Republic on the other, differ by approximately 30%, particularly given that the goods and services in question are supplied on both parts of the island by the same multinational retailers. Why does the price of a shopping basket of goods differ between the two parts of the island? I hope the Competition Authority will take meaningful action to determine how the retailers in question can have two sets of prices in one market. I am convinced the prices charged by the multinationals in this part of the country are artificially high and consumers are not getting a fair deal.

Bread, milk, perishable goods, fresh meat, fruit and fresh fish were not covered by the grocery order. If shoppers are to make savings of €500 per annum as a result of the abolition of the groceries order, as has been indicated, let prices come down.

I welcome competition in the market, particularly the arrival of continental supermarket groups which are gaining market share, supplying goods at reasonable prices and employing thousands of people.

The Competition Authority is held in high regard throughout Europe. I welcome the decision of my colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, to introduce legislation in this regard. It will have my support as it will provide protection for consumers and result in greater competition.

Different types of shopping are available. Consumers can use discounters, large supermarkets, convenience stores or supermarkets using franchised names such as SuperValu, Centra and Londis, which provide excellent service and quality goods in towns and villages throughout Ireland. Convenience retailers, such as shops

attached to filling stations, are also widespread. People know when they enter these stores that they will pay more and can go to a larger market if they want cheaper prices.

Acting Chairman (Mr. Sherlock): The Deputy's time has expired.

Mr. O'Flynn: I support the proposed changes. Consumers now have a choice, particularly when one considers the difference between the products found in a shopping basket in 1987 and those found in one today.

Mr. N. O'Keefe: The Competition Act 2002 is relatively recent legislation on the Statute Book and is substantially based on equivalent EU competition provisions in the Treaty of Rome. Essentially, it involves overlaying the economy with the competition regime which applies across all European states. While this approach is fine in principle, it raises concerns on some issues of important detail.

If one seeks to apply complex rules developed primarily for external trade across 15 EU member states to a relatively small economy, one must ensure they have equal validity when applied to smaller economies and bind large and smaller players. In some areas the Competition Authority and Competition Acts need refinement to ensure they secure fair play for all businesses, not only larger enterprises.

Under the Competition Act, as drafted, there is no doubt smaller companies suffer legal discrimination in competitive markets dominated by larger, frequently global companies. Given the extremely positive role small and medium sized enterprises play in the economy, it is important this impact is recognised and addressed. For example, under the Act independent owner run companies are treated differently from branches of a larger company. If two independently owned companies combine to deliver a price response to a larger competitor, they are liable to be prosecuted for price fixing. On the other hand, if the large competitor instructs two branches of the company to co-ordinate prices in an area, the branches are not liable to be prosecuted for price fixing unless the company is deemed to be dominant. This means it is acceptable for a large company to fix prices while fear of prosecution should deter two smaller operators from considering co-operation to meet a competitive threat.

Under competition law, a finding of dominance can be elusive. For example, in one case the Competition Authority found that a market share of 65% was not dominant in a local market. This places smaller operators at a distinct disadvantage and tilts the balance in favour of larger businesses. The reliance on establishing a finding of dominance to assess any abusive activity by a large player is also misguided and needs to be reviewed. It is farcical that the only factors determined to assess dominance are the activities of

particular companies in the State. Examining market share in the State alone as the arbiter of dominance gives a skewed result and ignores the significant muscle many companies bring to the Irish market as a result of their operations overseas. For example, a retailer with a 5% market share here could have a significant international business which dwarfs an entire sector in Ireland. It is nonsense that the overseas activities of a player operating in this market are not taken into account in determining dominance. We need enlightened thinking to overcome this imbalance.

In his recent announcement on the revocation of the groceries order the Minister stated he would strengthen the Competition Act to make certain activities illegal if carried out by a firm which is not dominant. He specifically mentioned the demand for 'hello' money, the imposition of unfair contract terms and fixing of minimum resale prices. While this announcement is welcome, particularly given the skewed manner in which the Competition Authority assesses dominance, the Minister should go one step further and outlaw predatory pricing by a company which is not dominant. This could be achieved without impacting on genuine competition in the market.

Predatory pricing is the main problem. The Competition Act only outlaws predatory pricing when carried out by a dominant firm. It occurs when a major player with deep pockets targets a small competitor by selectively dropping prices to unsustainable levels for a period and squeezes the competitor out of business. Ben Dunne said on NewsTalk that the small players try to take on the bigger ones but that it is like an elephant dancing with a flea, and I agree with him.

Some 50% of the Irish retail market is controlled by two groups. Tesco holds approximately 27% and Dunnes 23%. That is not a healthy situation. Since no player in the Irish retail grocery market has reached the market share required for dominance, it is unlikely that the authority will take action on predatory pricing.

That is a ridiculous situation, given that one of the main players in our retail sector is a major international giant with a turnover eight times that of the entire Irish grocery market. That player would be able to engage in predatory pricing without sanction under the Competition Act 2002 as currently structured. That is unfair, unreasonable and unjust as it confers enormous power on the biggest player in the market over smaller players without independent external review.

To ensure competition in the retail grocery trade, we need the retention of the Restrictive Practices (Groceries) Order 1987, with predatory pricing expressly outlawed for those who are dominant. That would make predatory pricing and the charging of unsustainable prices an uncompetitive activity and therefore legal under the Competition Act 2002. It would ensure fair play and competition in the grocery trade.

Acting Chairman: Tá an t-am beagnach istigh.

Mr. N. O’Keeffe: Like the previous speaker, I had a little more to say — I had another ten pages. This is a very important subject, but I believe that I got the important point across, which is predatory pricing. If we do not act on that, our constituency will have no small corner shop.

Ms F. O’Malley: I am astonished at Fine Gael tabling this motion and at its wording. Its track record leaves a great deal to be desired, and the Restrictive Practices (Groceries) Order 1987 is a case in point. Deputy Hogan said last night in that regard that the Minister had spun the story and that he was already in retreat on the issue. That analysis would send a shiver down the spine of any consumer. The Government has dealt with the issue in the proper order and the Restrictive Practices (Groceries) Order 1987 fails to prevent such pricing. It was unable to distinguish between legitimate low pricing and genuine acts of predation.

How did Fine Gael handle the issue, however? In a classic political fudge, it was unsure and afraid of lobby groups. Fine Gael claims to be the consumer’s champion, and here was a clear opportunity for it to demonstrate its credentials, something that would make a difference to the consumer. However, it shied away and was found wanting — some courageous champions. In contrast, my party, the Progressive Democrats, clearly demonstrated that it was the one to take on vested interest, calling clearly and early for abolition of the Restrictive Practices (Groceries) Order 1987. Thankfully, in the interests of consumers, that has come to pass.

Last night Deputy Hogan said that the Fine Gael motion——

Mr. Hogan: What did the Tánaiste, Deputy Harney, do in 2001?

Ms F. O’Malley: ——was based on the failure of the Government to control prices, adding substantially to the ever-increasing cost of living, and its complete inability to tackle vested interest and antipathy to consumers. Is he for real? First, how does one square higher prices and reduced spending power with the year-on-year increases in numbers of new cars and foreign holidays, classic indicators of spending power resting with the consumer?

Acting Chairman: The Deputy is being provocative.

Ms F. O’Malley: Second, regarding taking on vested interests, Deputy Hogan will be interested to remember that in May 1996, the last time when Fine Gael was in government, it sought derogations——

Mr. Hogan: The Deputy is mistaken.

Ms F. O’Malley: Yes, it was.

Mr. Hogan: It was not, the Deputy does not remember.

Ms F. O’Malley: It sought derogations from an EU law to protect the monopoly of a State interest at the expense of consumers. It tried to protect Telecom Éireann’s monopoly on telephone services for an extra two years, until 2000.

Mr. Hogan: What have we now?

Ms F. O’Malley: Are the public and consumers somehow to believe that Fine Gael will take the right decisions for them — on those occasions when they will take a decision on an issue? Deputy Hogan well knows that the Restrictive Practices (Groceries) Order 1987 has become a major embarrassment for Fine Gael. It demonstrates the paralysis that has beset that party, which is trying to keep everyone on side because it is seeking office.

Whatever the truth regarding Fine Gael, the Labour Party is certainly no friend of the consumer. The Acting Chairman will not like this. Its rusty, Stalinist economic policies are just the ticket to stifle competition and hurt consumers. The Irish aviation sector, a classic competition success story, particularly upsets Labour. If Aer Lingus is to compete successfully, it needs money to renew the fleet, a well-established fact. The Government has allowed for that by selling shares to raise the capital needed. The Labour Party has held to its archaic position of State ownership. Given that the new aircraft required would cost over €100 million each, it would be fascinating to hear how the Labour Party, in government, could justify spending €1.2 billion of taxpayers’ money buying aeroplanes.

The Labour Party constantly criticises Ryanair, Europe’s biggest airline and an extraordinary Irish success story. Ryanair is an example of how competition can transform markets, reduce prices and serve the consumer——

Mr. Hogan: Thanks to the late Jim Mitchell.

Ms F. O’Malley: ——yet it is subject to the most hostile and constant criticism from Labour, which would wish it out of existence. If that happened, the consumer would pay the same price as we once paid — £300 — for a return flight to London. That policy does not serve the consumer. Labour’s attitude demonstrates that the benefits of competition provided to the consumer are coloured by the obligations to vested interests and its chief financial backer, the unions. If Labour gets into power, competitive forces will become subservient to those vested interests and the interests of the consumer will lose out.

I support the amended motion, since in contrast to the policies of Fine Gael and Labour, those pursued by the Government are the right ones for the consumer and the economy. It has proven that by being re-elected.

Mr. Hogan: Applause.

Mr. Glennon: My colleagues opposite are calling for applause, but I do not know whether it is for my arrival or for the departure of Deputy Fiona O'Malley.

Mr. Hogan: It is for Deputy Glennon's arrival.

Mr. Glennon: Go raibh míle maith agat. Modesty forbids. In the dim and distant past, when I was growing up in a small town in north County Dublin with a population of 2,500, we had 15 grocery shops by my best count. We also had 15 public houses, which says something about Irish society at the time. That town's economy was based entirely on the months of July and August, when visitors would come from Dublin city and rent houses there so that the population doubled. Skerries was known as a seaside resort. My father was a small publican and relied completely on summer business for our family's livelihood. The package holiday in the early 1970s, however, put paid to all that.

Skerries has had to change dramatically. I mention it this evening in the context of changing society in Ireland. Now, in a town with a population of 8,500 rather than 2,500, we have four grocery shops instead of the 15 then. Society has changed irrevocably, some might say for the better and some for the worse. There is a balance to be struck and it is in the context of balance that I commend the Minister for Enterprise, Trade and Employment, Deputy Martin, on his recent actions regarding the Restrictive Practices (Groceries) Order 1987. I believe that the correct balance has been struck and I very much look forward to the appropriate legislation in the context of the Competition Authority being unveiled. I seek a Competition Authority with real teeth, undertaking real activity.

I come from a constituency that provides 50% of the national horticulture crop. I see the difficulties created for horticulturists in my constituency by the massive, monopolistic buying power of a very small number of individuals. Standards are being improved constantly in terms of the quality of the goods on presentation to the consumer but those standards are being used unreasonably and callously to exert unfair leverage on the supplier with a view to squeezing the grower's margin even further. Those are the unsatisfactory aspects of modern Irish life.

Another aspect that is worth mentioning is the huge difference between owner-operated local business and the chain of multinational operators. Local stores, whether they are under franchise or individually owned, are operated by local people

with a vested interest in the local community. They employ locally, source their merchandise locally, bank locally and support local initiatives. If somebody from a local organisation goes into one of these shops looking for sponsorship for a local activity, the shop owner does not have to go to head office to get sanction. Invariably, the local operator will support it. They are an integral part of the fabric of society and should be protected. It behoves the Competition Authority to protect them.

Some of the comments made about the independent symbol operators carried a disturbing sub-text. Independent operators appear to adopt an approach that larger players are far better for consumers and that the further their head office is from Earlsfort Terrace or Kildare Street, the better. This is dangerous territory and represents a sleight on the thousands of hard-working, dedicated risk takers who have put their homes on the line to develop and fund their new business and provide employment. Like my colleagues I could go on *ad nauseam* but I will give way to my colleague, Deputy Carey.

Acting Chairman: Tá deich nóiméad ag an Teachta.

Mr. Carey: I will endeavour to observe the Chair's injunction to be neither provocative nor—

Mr. Morgan: Go on, provoke us.

Mr. Carey: I will concentrate on the bigger picture as some of my colleagues opposite might want me to do.

I believe in open and fair competition. It is a vital element of ensuring a good deal for consumers here as well as developing a successful economy. Greater competition in the economy stimulates innovation and efficiency among business. It enables consumers to buy goods and services at the best possible price and enhances overall national competitiveness. Companies that compete to win our business provide an enhanced service and variety and generally become more responsive to our needs as consumers. At the same time, competition drives companies to cut their costs and find more efficient and productive ways of doing business.

The promotion of competition in the economy requires an effective legal framework. The Competition Authority, set up under the Competition Act 1991, reviewed by the Competition and Mergers Review Group during the late 1990s and reinforced in the Competition Act 2002, forms the sound legal basis required to safeguard this competitive process. In fact, the 2002 Act is regarded as one of the most modern pieces of competition legislation in the world and among the most robust.

The Competition Authority is one of the most empowered, proactive and successful enforce-

[Mr. Carey.]

ment agencies of competition law in Europe. The resources available to the authority are kept consistently under review to ensure the organisation keeps pace with the demands of enforcing competition law in a fast-growing economy. Currently, the authority has a staff complement of 52 and an annual budget of €5 million. I understand discussions on current requirements are ongoing with the authority.

The Competition Authority was the first enforcement agency in Europe to secure a criminal conviction for a competition offence and, to date, has obtained five such convictions. In 2004, the authority secured its first successful abuse of dominance case in the High Court. These actions, combined with the authority's cartel immunity programme and recruitment to the ranks of the authority of gardaí with powers of arrest and detention for competition offences, have had a significant impact in combating cartel membership in Ireland. Of course, enforcement of the Competition Act is not just about taking prosecutions. Deterring and preventing breaches of the Act in the first place is more effective and cheaper than prosecuting breaches.

This debate has been instigated by the Government's decision last week to repeal the groceries order. That is a decision which I welcomed and support. The order is anti-competitive and anti-consumer. Its repeal is a good example of this Government's drive for increased competition in our markets. The order was originally designed to outlaw predatory pricing. Predatory pricing, as has been explained, is a tactic employed by a firm that is dominant in its market and involves the sale of a product below cost for a prolonged period to damage or eliminate a competitor. In this way, it is anti-competitive and acts against the interests of consumers and the economy as a whole.

The problem with the groceries order is that it has shown to be an unsuitable vehicle to prevent predatory pricing. It was unable to make the distinction between legitimate low prices and genuine anti-competitive acts. What we must realise also is that specific provisions are already contained in the Competition Act to outlaw this sort of anti-competitive practice. If any individual business or group of business believe they are being harmed by predatory pricing, they may make a complaint to the Competition Authority which has the powers to investigate and take legal action, including by means of seeking a private injunction in the High Court to stop the illegal activity and seek compensation in the courts for any damage done either following a successful authority court case or as a private right of action.

The penalties for any undertaking found to have engaged in predatory pricing are up to €4 million or 10% of the company's turnover. They are very substantial penalties. It must be borne in mind that such penalties are much greater than

those which applied under the groceries order and are likely to act as a real deterrent to any business contemplating predatory action. At the same time, the repeal of the order will reduce prices and therefore ensure a better deal for consumers.

I do not wish to be provocative but Fine Gael cannot have it both ways. I cannot make my mind up as to where it stands because I read Deputy Hogan's position and that of his colleague, Deputy Naughten, on competition and the groceries order. I do not normally accuse the Fine Gael Party of much but I accuse them now of scare-mongering. I must also express a degree of concern and disappointment at a statement issued yesterday by RGDATA and can only suggest that RGDATA is in the queue in scare-mongering as well. Telling people that the Competition Act does not cover predatory pricing is totally untrue. As everyone knows, to partake in predatory pricing a company must be in a dominant position and to abuse a dominant position is illegal under section 5 of the Competition Act. In fact, to protect any company or shop, no matter how small, dominance does not have to be measured on a national scale. It can be measured in any part of the State under the Act.

Predatory pricing is quite rare and is so expensive for a company to engage in it is not guaranteed to succeed. There is a huge difference between predatory pricing and competitive pricing and by removing the groceries order, this Government has made the market more competitive and removed any barriers to passing on discounts to the consumer. The groceries order was not a suitable vehicle to prevent predatory pricing. Fine Gael knows that. The Competition Act 2002 outlaws predatory pricing and the provisions that are based on EU treaty law state that. There is case law in Europe to support the use of these provisions to prohibit predatory pricing. Chapter 7 on predatory pricing in the report on the groceries order sets out the detail. When we debate this matter in the House let us at least debate the facts and not indulge in political opportunism and gamesmanship.

I want to make it clear also that I do not accept the Opposition's proposals on the category of super complaints. There is nothing stopping anyone from making a complaint to the Competition Authority. As I and other speakers have outlined, the legal framework and relevant authorities exist to combat all forms of anti-competitive practice, no matter which industry is involved. For example, the studies undertaken by the authority in banking, insurance and engineering were all extensive and serious investigations and are all bearing fruit, leading to substantial and significant reforms. To be effective, however, the Competition Authority needs evidence rather than mere suspicion of wrongdoing. It is important, therefore, that complainants to the authority provide as much information as possible.

The issue of competitive pricing and the need to combat excessive charging must be and are taken seriously by the Government. By addressing the high cost of motor insurance, it has facilitated a reduction in insurance prices. The Competition Authority has studied and commented on sectors as diverse as pharmacy, grocery retail, electricity, alcohol retail, ports and bus services outside Dublin, and on general issues such as retail planning guidelines, class action law suits, and enterprise and consumer policies. An extensive study is under way into aid professions.

Mr. F. McGrath: What about small retailers and shopkeepers?

Mr. Carey: I spoke about shopkeepers earlier, in the Deputy's absence.

Mr. Morgan: What about the legal profession? Give us a break.

Mr. Carey: I have never known Deputy Morgan to be short of a break. Preliminary reports have been published into engineers, architects, solicitors and barristers. Further reports on vets, opticians and dentists will be published in the next six months and the final reports on architects, solicitors and barristers are also due. I hope that will satisfy Deputy Morgan. I support the work of the Competition Authority in investigating pricing in these sectors. I look forward to the results of these reviews and to enjoying the more competitive prices I am sure they will bring about. I support the amended motion.

Mr. Eamon Ryan: I propose to share time with Deputies Morgan, Finian McGrath, Catherine Murphy, Cowley and McHugh. We are quite a team.

Acting Chairman: Is that agreed? Agreed.

Mr. Eamon Ryan: I do not know if the third secret of the Dáil, relating to the identity of the third socialist, has been discovered. Suspicions have been cast at some on the benches behind me. We can, however, be fairly certain that socialists are thin on the ground on the benches opposite. I am even told they may not be plentiful on the benches to my right.

Mr. Carey: There is one is to my left, Deputy Dennehy.

Acting Chairman: I remind Deputy Eamon Ryan that he has limited time in which to speak on this matter.

Mr. Eamon Ryan: I imagine if a focus group were to tell Fianna Fáil there were votes in it, a significant number of socialists would emerge to support their leader.

As an environmentalist, I believe we should take the environment into consideration when deciding policy. This means I would like to see the market taking such issues as carbon emissions and pollution into account. I also, however, believe in the market. I am a social democrat in that I believe the citizens of the State have the right to organise their own health, education and other social services and to gain on the social democratic tradition of the last 150 years which has brought us so many civilised benefits. At the same time, I want the market to provide the solutions and quality of life that we in this country deserve.

For a market to function, there must be competition. The Green Party's objective is to ensure a situation where there is a large number of entrants competing effectively against each other. The position of the parties opposite on this issue is sometimes fraudulent. Members of the Progressive Democrats Party, the junior partner in Government, are particularly fraudulent and arrogant as they puff out their chests and proclaim themselves the great champions of competition. The reality, however, is that their actions and those whom they support indicate they are anything but champions in this regard. As my colleague Deputy Boyle has observed on a number of occasions, the business of that party is corporate social welfare. The larger the corporation, the greater the welfare the Progressive Democrats is eager to offer.

Deputy Hogan did well in listing the examples in this regard. For example, a large monopoly supplier in the building industry, such as Cement Roadstone Holdings, CRH, has nothing to fear in terms of competition or the watchful eye of the Progressive Democrats doing anything that might disturb its business. One can be certain that the Competition Authority would fail in any possible investigation as to why we are victims of the massive rip-off involved in paying such high prices for the basic building blocks of our building industry. Neither have AIB and Bank of Ireland anything to fear from the proud gentleman and ladies of the Progressive Democrats Party, who blindly ignore the massive rip-off that has occurred because of that cosy cartel to whom we pay our mortgages. Likewise, ESB, Eircom or any other large monopoly company has nothing to fear from the Progressive Democrats and the Competition Authority it has set up.

Under this Government, the public has been ripped off in the provision of basic services. My party applauds and supports Fine Gael's motion to reform the Competition Act 2002 and highlight the lack of competition.

Mr. Morgan: I invite Deputy Carey to heckle at will. It might liven up this dull dungeon.

Mr. Carey: I look forward to it.

Mr. Morgan: I begin by addressing an important issue I have been seeking to raise in this House for some time. Competition law is being mischievously used to attack the rights of certain workers, particularly actors, musicians, film crews and freelance journalists, to be collectively represented. When this competition legislation was going through the House, guarantees were given that this situation would not occur.

It is ridiculous that these low paid workers are targeted while others, such as newspaper groups, CRH and the self-regulating professions, receive little attention. In this regard, the unions have accurately observed that the Competition Authority has the wrong target. The Minister has indicated he is unwilling to make legislative changes to address the position in which these workers find themselves. This is deplorable. I call on the Minister to amend the Industrial Relations Acts in respect of the definition of employee to rectify this unacceptable situation.

I also take this opportunity address the issue of the self-regulating professions. I look forward to a review in this regard but I remind Deputy Carey that action is needed. We must make tackling self-regulation by the professions a priority. We need to look at how people are being served by this system and if it allows for unreasonable profiteering by elite groups. Examples of the self-regulating professions include the legal and medical professions.

Many of these self-regulating professions have formed a type of monopoly system where it becomes hard to get into the profession, the numbers of entrants are limited and so on. The failure of the Government to address self-regulation by the professions, which has long been shown to be anti-competitive, illustrates the selectivity of the establishment when it comes to the issue of competition. The necessity for competition is absolute when it comes to breaking up profitable State companies but not so when it comes to tackling monopolies by the establishment's cronies. The notion of self-regulation by the professions is outdated and should be brought to an end.

This debate also is a timely opportunity to discuss the lack of competition in the newspaper market. The impact of this was seen some weeks ago when the titles controlled by Independent News and Media all carried false and misleading reports about the death of Liam Lawlor. I have previously asked the Minister for Enterprise, Trade and Employment the reason the Government has failed to ensure the enforcement of the Competition Authority's ruling that Independent News and Media must divest itself of its 24.9% shareholding in another company. This followed the securing of control of the Irish Press Group by the company in 1994. Those titles ceased publishing some six months later, prompting calls for a review of media ownership.

There has been no satisfactory response from the Government in respect of this matter. Is the real reason the Government has failed to ensure the enforcement of the Competition Authority's ruling the fact that it fears that doing so will cause it to suffer the wrath of the media mogul? There is clear evidence from what emerged at the Moriarty tribunal that Independent News and Media would not hesitate to do this. It came to light during the course of that tribunal that Anthony O'Reilly threatened the rainbow coalition that it would lose the Independent group as friends if the latter's demands were not met. An editorial was subsequently put on the front page of one of its newspapers on election day calling on voters not to vote for the parties of that Government.

Independent News and Media also owns 29.9% of the *Sunday Tribune* and effectively controls the paper. From evidence in the deterioration in its quality, it seems the company is keeping the paper going merely as a false competitor for its main Sunday newspapers. I questioned the Minister through both written and oral questions regarding this monopoly yet none of his responses, including some received yesterday give any sense that he is taking this issue seriously. The Minister is standing over a situation where elitist self-regulating professions and media monopolies are ignored while low paid freelance workers are targeted. This is shameful position for the Government to adopt.

Mr. F. McGrath: I am glad to have the opportunity to speak on this important debate on the Competition Authority, the issue of higher prices and reduced spending power for consumers. This is relevant in light of recent developments in the economy and society. As an independent Member, my focus will always be on the consumer, the customer and the citizen. The rip-off culture must always be challenged. Taxpayers' money must not be wasted. It must be spent wisely with priority given to the weaker sections of society, the elderly, the sick, the disabled, the homeless and the carers. We must challenge Ministers of State who will spend €46,000 on personalised advertisements over the coming weeks when money should instead be pumped into services. On the north side of Dublin city, families with children with disabilities cannot even get occupational therapists.

Those who push the right-wing economic agenda in the House can stuff it. How many people believe prices will drop following the revocation of the groceries order? Will the consumer get a fair deal? Last week, the Minister for Enterprise, Trade and Employment, Deputy Martin, announced the Government's approval to revoke the groceries order. This decision is gravely disappointing for the wide range of groups that supported the order, especially given that yet again the Minister's officials were unable to

determine the impact of the order on food prices, inflation or international price comparisons.

The Minister also announced the strengthening of the Competition Act 2002 to outlaw practices banned under the groceries order but inadequately covered by competition law. In particular, he committed to outlawing 'hello money', resale price maintenance and unfair discrimination. However, there is a glaring gap in the Minister's reforms that needs to be addressed, if the repeal of the order is not to result in the closure of local shops and the increased dominance of the largest players. I will stand with the local shop sector on this issue. The Competition Act only prohibits predatory pricing when indulged in by a dominant firm. However it must be remembered when a large retailer selectively puts prices down to target smaller competition it puts smaller firms out of business. If the Minister wishes to ensure competition and fair play in the retail grocery trade following the revocation of the order, he must outlaw predatory pricing by firms not deemed dominant.

Ms C. Murphy: On 19 September, I complained to the Competition Authority on the issue of a specific property management company. I filled in the on-line form and supplied initial information. A week later, I received an e-mail informing me that the complaint has been reviewed by the steering committee. It continued that it would appear from the details presented within the e-mail that this issue is a contractual one between my constituents and the estate management company, rather than an issue under the Act.

I had informed the authority that the developer and the management company were one and the same person, despite each home owner paying a fee and having no hand act or part in deciding who carried out the work. There was no obligation to get value for money, which we are told is the essence of competition. I was advised by the authority I could engage a solicitor and take the matter to court under section 14 of the Competition Act. That is exactly what I wanted the authority to do.

On Monday night, I attended a well-attended public meeting organised by Deputy Joe Higgins in Tyrrelstown. One of the complaints made by those who pay management company fees was that an agent was foisted on them by the developer. In short, they get no choice. In one case the appointed agent would not take on the maintenance role until a debt running into tens of thousands of euros was paid by the home owners collectively. That debt followed works carried out by another appointee of the developer who did less than cover himself in glory. The same practice seems to be emerging in several locations judging by the e-mails and telephone calls I have received.

I have heard of instances where developers are orchestrating a majority shareholding in management companies of which they are directors, in order to have a controlling interest. In short, they can appoint their own cronies to the job and charge what they wish. When the intention was that apartment owners would be the only shareholders, I regarded that as being about as anti-competitive as one can get. However, that complaint was bounced back to me. I do not have great faith in making such complaints to the Competition Authority.

Dr. Cowley: I am always amazed at how governments will always back big business. The bigger the better is very true in the case of the Fianna Fáil-Progressive Democrats Administration. I note Dunnes Stores is always located in the best sites in town, usually besides an urban district council office or public car park. Of course, there were never any favours done for Dunnes Stores.

There is a great need for reform of the Competition Authority. In Europe, there are examples of industrial sectors which have received heavy fines for anti-competitive and anti-consumer practices. These sectors exist in Ireland but have not been subject to any fine, let alone heavy fines. Reform in competition is also necessary in the prevention of rural depopulation. We need to prevent abuse of dominant market positions and anti-consumer practices. The existing legislation must be amended to make it effective. In other European states, legislative instruments are in place to prevent these predatory activities. The independent retailer, who produces a third of grocery business, needs to be protected. While the consumerism age is upon us, the consumer must be protected at all costs. Where large retailers will not locate in rural areas, one finds the independent retailer serving the consumer. The Government has a large role to play ensuring the independent retailer's survival.

It is also anti-competitive to deny one section of the country proper funding for balanced regional development. Compared with the low prices of Luas and the DART, getting to and from employment for people in the west by car is high. More than half of our graduates must leave to get employment elsewhere. Today, NUI Maynooth released a report on rural Ireland which spoke of the need for the proper implementation of the plans for regional development already in place. I urge the Government to include the shortfall in the capital envelope in the forthcoming Estimates. For example, a capital underspend of €200 million on transport was identified in the Indecon report of the mid-term review of the national development plan. I also call on the Government to properly implement the national spatial strategy. These are issues that must be addressed in the Estimates. The Government claims there is much to be done, but it really

[Dr. Cowley.]

must be done in the west. It has been neglected so far.

Mr. McHugh: I compliment Deputy Hogan for tabling this motion. Reform of the Competition Act is long overdue and the Competition Authority needs to be assessed to establish its effectiveness, to determine if it is adequately funded with the resources to complete investigations within an acceptable timescale. In a nutshell, the authority must be effective, properly funded and have the necessary investigative powers. If rated under these criteria now, the authority would score very poorly.

Several months ago, the nation was enthralled by the Eddie Hobbs programme, “Rip-Off Republic”. As a member of the Joint Committee on Enterprise and Small Business, I thought I would have to get an early flight from Galway to be on time to witness the humiliation of Eddie Hobbs by the chairman of the committee, Deputy Cassidy. Like everything else, it never happened. Deputy Cassidy became the best PR person for Eddie Hobbs and in the process brought the committee into the murky pond of party politics. For several months, the committee focussed on the groceries order. It took the unanimous view that it should be retained. Imagine my surprise when the Minister for Enterprise, Trade and Employment announced he was abolishing it. Or did he? What is the current condition of the groceries order? Is it a case of the Tánaiste and Minister for Health and Children, Deputy Harney, wanting it eliminated and the Minister for Enterprise, Trade and Employment, Deputy Martin, being forced to oblige and defy his own party’s Deputies? They had told the nation they supported the order’s retention. Is it instead a typical fudge, where nobody, including the Minister, knows the exact story of the groceries order?

Mr. Neville: I propose to share time with Deputies Kehoe, Ring and Deenihan.

I welcome the opportunity to speak on this important motion and congratulate my colleague, Deputy Hogan, on introducing it and on the work he has done over a considerable period of time in combating rip-off Ireland. He was the first and most important person to highlight the whole aspect of the rip-off culture. Eddie Hobbs took it to a different level with the medium of television and the humour to bring it to a mass audience. I commend Deputy Hogan for his consistent work and the tenacity with which he has followed the issue over a considerable time.

There is no doubt that the Government has failed the people in controlling prices. It appears unconcerned and almost disconnected, feeling that it is almost not a political issue. It has had a wake-up call on the issue over the past few months, and it now knows that it is a serious political matter. The people of Ireland are deeply

annoyed and, of course, out of pocket because of the rampant rip-off the Government has tolerated.

In many instances, the Government has facilitated such rip-off and acted against the consumer. In spite of an announcement by the Minister, we still do not know the state of the groceries order. Is it to be abolished, amended or left as it is? This matter is still up in the air. If the Government was serious about controlling prices, a decision would have been made quickly and decisively on the issue. Even still the Minister prevaricates and fails to bring the matter to a conclusion.

The Government has facilitated 36 distinct stealth taxes and it has ensured that the Competition Authority is without teeth. It is essentially a cover-up for inaction by the Government. If the Government wants to be serious on the issue, it must give real power to the Competition Authority, ensuring that it has the competence to carry out its work and bring issues of concern through the legal system.

The authority’s work must be funded and it should have adequate resources to carry out the role it has been charged with, instead of being stymied. The authority should have real power to ensure that its work is completed. If the Government is serious about ensuring a level of competition, a competent and well-funded Competition Authority with real power must be introduced. This authority could process complaints through a quick, effective and efficient system, with an early decision emerging. Complaints and concerns should not drag on for weeks, months or even years. Such circumstances equate to a cover-up.

Competition in areas identified by Deputy Hogan has a serious impact on the economy. The level of competition in banking is an example as it is an important resource for any functioning economy. The cartels and high charges evident and the consequential profits in banking highlight and expose the lack of competition. We have spoken for many years about the insurance sector. While there has been some improvement, the insurance industry still does not have the competitive edge to bring insurance costs to an acceptable level. We should highlight the difficulty experienced by young people in obtaining insurance.

Several Deputies have mentioned competition in the cement industry. This has been an important matter over the past few years because of the need for cement in the production of housing. There is a further need for housing development. There is differential pricing for home heating and gas, which is squeezing out smaller players and leading to cartels of big operators. In addition, young people are being charged third level fees.

Mr. Kehoe: I am pleased to speak on the motion as it relates to the most vital aspects of

people's lives and the manner in which they make a living. One of the first duties of any Government should be to ensure the prosperity of its people. This can only be guarded by keeping a close watch on the cost of living and having clear competition. We have mounting evidence the Government is failing in this duty. The rates of anti-competitive practices are on the rise and nothing is being done to stop them. Worse still, the Government is one of the parties contributing to the rising cost of living and the lack of competition in the economy.

On its own initiative, Fine Gael attempted to act on the huge rise in costs for the Irish household when it began a website highlighting rip-off Ireland, which has been an outstanding success. It led directly to the exposure by Eddie Hobbs and RTE of the Government's role in rip-off Ireland. Deputy Hogan initiated the rip-off Ireland website.

Mr. Dennehy: That sounds very bad.

Mr. Kehoe: Is the Deputy jealous?

Mr. Dennehy: If he started rip-off Ireland, I am afraid it would get some reporting.

Mr. Hogan: The Deputy is entitled to praise me in the same way that others would praise the Minister, Deputy Martin.

Mr. Kehoe: This forced the Government to take our idea and come up with its own agency. Unfortunately, this shows all the signs of being watered down by the Cabinet to a much weaker body than we had envisaged.

The party initiated its tax-back campaign to help the ordinary worker get back what is rightfully theirs. The people were getting no help from the Government on this issue. Most of all, we spelt out week after week the appalling waste of money by the Government. There is too much to point out. We spoke of the weakness of the Competition Authority, pointing out how since 1996 it has not secured one meaningful conviction of breaches of any competition legislation. When such anti-competitive practices are evident, it is difficult to believe that a State agency charged with being a watchdog has been unable to secure a conviction in ten years. That is nonetheless the case.

A proper Government should be outraged at the lack of protection for the consumer. A Government doing its job would have long ago acted, giving its State agencies real power, but the Government has not done so. Faced with a Government that has deserted the people, Fine Gael had to initiate its own ideas. My party had to develop its own policies, and the governing parties are only too willing to take these on board.

At our national conference in Cork, we called for reform of the Competition Act 2002. This

reform is long overdue and the dithering by the Minister on the groceries order was the last thing that the consumer needed. There should be a Competition Authority that will instill great fear in those who plan to rip off consumers. In this I include the State, the biggest consumer of all and one that is funded by the hard-working taxpayers. An effective Competition Authority should not wait for complaints to be made as the rip-off merchant has by that time gone or covered its tracks.

We are calling and planning for a proactive authority which will actively seek breaches of competition legislation. It must have a large staff who are skilled in investigation and who know what they must look for. If such investigators are at large, there will be a rise in prosecutions. Once there are enough prosecutions, I am confident there will be a drop in the numbers of consumers being ripped off. Such an authority must be properly funded and provided with the powers and legislation that will enable it to act effectively but the Government has shown no sign of doing so.

Deputy Hogan put forward the excellent idea of imposing time limits on investigations, which would have the effect of clearing the case load at a greater rate and speeding up the court process. It would also send out the right message to the people who believe that, even if they are caught, it will take forever for their cases to get to court and they can make their money. In addition, Fine Gael proposes that specified bodies be given the right to make so-called super complaints to the authority on any market practice that is contrary to the best interests of the consumer.

Mr. Ring: The Acting Chairman might tell me when my five minutes are concluded.

I compliment Deputy Hogan on moving this motion and on his work in consumer issues. We have not had a real Minister for the past five years. The current Minister is so incompetent in his Department that the Opposition was able to bring forward these proposals and show the people what was happening in respect of rip-off Ireland. I compliment Mr. Eddie Hobbs on stealing Fine Gael's idea. I compliment him on seeing it as a good idea and taking it further. He showed what is happening in Ireland.

The Minister of State should scrap the Competition Authority immediately. It has no powers, functions or role. Unless the Government is prepared to give it these, there is no point in having jobs for the boys and girls, which is happening. The authority does not have the power, resources and legislation in place to deal with any query. I will provide a number of examples. The banks have got away with murder since the foundation of the State. The Dáil was brought back into session to pass emergency legislation when AIB made its mess and the taxpayers were needed to bail it out. Taxpayers had to pick up the tab.

The banks also got away with murder in respect of offshore accounts. Who was crucified when the

[Mr. Ring.]

State, the Government, the Civil Service and everyone involved with the Revenue Commissioners let this happen? The small people on the ground. There was not one prosecution in this matter. People in rural Ireland did not know what an offshore account was, although they undeniably knew they were fiddling their taxes, but the banks got away with it, which they will always do. As a man once said to me when I entered politics, the rich will always look after the rich and the legislators will always look after the rich, which was proven in this case. People were so worried that they committed suicide. Elderly people received threatening letters from Revenue but did not know what they were about as they had been misinformed. They were told by the banks what to do while the banks walked away.

Why has the Competition Authority not done anything in respect of the price of soft drinks? One can go into a pub, discotheque or wherever and pay €2.40 or €2.50 for Coca Cola, orange or water. Why has the Government, the parties of which have been in power for almost 20 years, not dealt with this rip-off? It is nothing but a rip-off when one pays this amount for water, Coca Cola or orange. It is time everyone knew there are large margins that nobody has done anything about. Just like the situation with the banks, no one has been prepared to do anything.

Why did the Government not take on the builders? They bought land, left it, decided how much development would take place each year, controlled the prices and created the housing crisis. Not alone have builders bought the land they are now using but they have bought land in other areas to ensure they will control the land banks for the next 20 years. The Government has done nothing. These builders have been too friendly with politicians and Governments over the years.

If the Competition Authority is to stay in place, we should give it powers, such as to take on local authorities, which are the greatest rip-off merchants of all. They believe that, when they have a crisis, a problem or must pay their staff benchmarking increases, they can pass the cost onto consumers without needing to justify their charges. It is time something was done.

Mr. Deenihan: I compliment my colleague, Deputy Hogan, on his introduction of this timely motion. The high cost of doing business has been acknowledged in several public policy reports. Over the past number of years, the Irish inflation rate has exceeded that of most other EU economies. While the current level of inflation in Ireland is in line with that of the euro zone and the United Kingdom, the cost base is significantly higher due to higher inflation in the past.

Price increases are being sought or have already been approved for electricity and other energy and postal services. For example, while inflation this year to date has been 2.2%, an examination of the

increase in prices that will affect the tourism industry will show that water supply, refuse and other services increased by 21.3%. Energy products, including electricity, increased by 15.7%. In other areas that would not obviously affect tourism, health costs increased by 6.6% and hospital services increased by 13.2%, all of which are above our rate of inflation. As Deputy Ring said, the increase of 21.3% in local service charges certainly makes the tourism industry very uncompetitive *vis-à-vis* others.

We talk about rip-offs across the country every day. There is a difference between people who are ripping off and those who must overcharge due to pressure and the Government's stealth taxes. It is important to make this distinction as people are forced to charge more due to their overheads. It must be accepted that most of the operating environments, such as interest rates, exchange rates, international growth and oil prices, are all outside the Government's control but domestic policy is fully within its control. The current policy of low profit tax and low income tax levels is essential to the Government's fiscal policy and is something on which most parties in this House agree.

Other aspects of fiscal policy are very much against the interests of the tourism industry in particular. Ireland has among the highest alcohol excise taxes in the EU and the world. A study carried out last year by an individual at UCD showed we placed more excise duties on wine and beer than anywhere else in the world, which inflates prices in tourism. There are high and continuously growing local government taxes and charges, which I have mentioned.

Regarding VAT rates, which I hope the budget will address, Ireland has the second highest in respect of hotel accommodation within the euro zone, second only to Germany, which is at 16%. In the international community, it has the sixth highest VAT rate in hotel accommodation. Ireland's disadvantage, especially in the area of business tourism, is that business people who come here cannot reclaim their VAT whereas they can in Northern Ireland. The national conference centre was announced today but people will not come here unless the VAT regime is changed.

Ireland has followed a fiscal model of low profit tax and low income tax, which we all support, but we must change in respect of indirect taxation. The Competition Authority has a critical role to play in this area. We must lower our energy costs and increase competition, such as in the wind generation sector. Currently, wind energy is not attractive here due to the costs of entering the ESB grid. Were there lower rates, more energy would be generated. Energy costs are one of the reasons this country is less competitive. The Competition Authority has a significant role to play in the regulation of costs such as the cost of drink.

Deputy Hogan's motion notes:

The publication by the Competition Authority of an annual report on the implications of State action for competition in the provision of goods and services which identifies areas where the State, either through direct involvement in the economy, or through regulatory systems, has restricted, inhibited or prevented competition. . .

It is important that the State takes its share of responsibility at this stage. I hope the Government will accept Deputy Hogan's proposal.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Irish Competition Authority is one of the most proactive and successful enforcement agencies of competition law in Europe. I congratulate the authority on bringing proceedings in a very significant case to the Dublin Circuit Criminal Court last Monday and on being the first enforcement agency in Europe to secure a criminal conviction for a competition offence.

I would like to mention one aspect of the Competition Authority's work which has not been referred to in the debate, namely, the authority's role in regulating mergers and acquisitions in the economy. I applaud the authority for the way in which it has successfully taken on this responsibility under Part 3 of the Competition Act. The authority's regulatory procedures are open and transparent. All notifications and determinations are published and the authority must consider all submissions made to it, whether in writing or orally, by the parties concerned or by any other party.

I wish to comment on one issue raised in the debate, namely, the confusion which seems to surround the concept of predatory pricing. Predatory pricing is an abusive and anti-competitive practice that acts against the interests of consumers. It is a tactic employed by a firm that is dominant in its market and involves the sale of product below cost for a prolonged period to damage or eliminate a competitor. I stress the phrase, "below cost" in this context because Deputy Howlin seemed to suggest that predatory pricing involved the sale below fair market value which he defined as including a reasonable profit margin for the seller. Not alone is this not an accepted definition of predatory pricing, it is not a definition that is supported by EU case law on the topic. Predatory pricing is the sale below cost. Cost in this case means the marginal cost of the product, according to EU case law.

Chapter 7 of the report on the groceries order prepared by the Department of Enterprise, Trade and Employment, deals with this issue in some detail and I urge Deputies to read it. Furthermore, as the Minister, Deputy Martin, said, predatory pricing should not be confused with other forms of low cost selling, such as for pro-

motional reasons, to dispose of old stock, or to match a competitor's prices. The groceries order was not a suitable vehicle to prevent predatory pricing because it was unable to make the distinction between legitimate low prices and genuine acts of predation.

On the other hand, predatory pricing is now prohibited by section 5 of the Competition Act which outlaws the abuse of a dominant position in a market. It is important to stress that the concept of dominance under section 5 of the Act can be measured either in the State or in any part of the State. Therefore, the Act is sufficiently flexible to allow the authority or the courts to tackle predatory pricing in all circumstances, including small local markets.

The Competition Authority has extensive powers and a dedicated division of expert staff who investigate allegations of companies abusing a dominant position. The circumstances of each allegation are unique and each complaint is assessed case by case. The penalties for any undertaking found to have engaged in predatory pricing are up to €4 million or 10% of the company's turnover. These are substantial penalties. I repeat the point made by the Minister, Deputy Martin, that these penalties are much greater than those which applied under the groceries order and are likely to act as a real deterrent to any business contemplating predatory pricing.

In the course of his speech, Deputy Hogan listed about 18 home heating oil distributors in counties Galway and Mayo that he claimed had been driven out of business by large distributors. He said that this did not make him confident that the business was being conducted properly. This was also reported in *The Irish Times*. It is a matter of public record, however, that of the 18 companies listed by Deputy Hogan as having been subjected to unfair and anti-competitive practices, eight are being prosecuted by the Director of Public Prosecutions on indictment for alleged breaches of the Competition Acts.

This Government continues to see competition as the life blood of a vibrant economy and we are committed to removing unwarranted constraints on competition in all sectors of the economy and placing the consumer at the top of the policy agenda. Increased competition in the economy has a critical role to play in helping to keep prices under control. A good example is the aviation industry where competition from low cost airlines has substantially reduced the cost of air travel.

While much needs to be done to encourage competition in some sectors of the economy, the Government is working hard to bring about these changes. The Competition Authority has proven itself to be a powerful advocate for such change as well as being a fearless, independent and effective enforcement agency. Since the enactment of the most recent Competition Act, the resources of the authority have virtually doubled. Today it employs 52 people across a broad range of skills

[Mr. Killeen.]

and disciplines necessary for the performance of its functions.

There is every reason to have the utmost confidence in the performance by the authority of its advocacy and enforcement functions. The authority enjoys a unique reputation internationally as evidenced by the quality and experience of those who have been attracted to come from other parts of the world to work at enforcing Irish competition law.

The Government keeps the resources available to the authority under close review. For example, further funding for the authority has been sought in the context of the Estimates process and I am hopeful that the authority's enforcement resources will be expanded in 2006.

Mr. Hayes: I wish to share time with Deputy Hogan. I am delighted to have an opportunity to speak on this issue and to support this timely and important motion. This Government has failed the people with regard to prices. There is no greater concern for many people than the price they pay for their goods. The lack of competition in many areas has increased prices over a long time.

The oppressive cost of living in this country is a great cause of hardship for the majority of people. In one of the most highly developed countries in the world, there must be real choice for people. Insufficient resources have rendered the Competition Authority a lame duck and, as a result, since 1996 it has not secured one significant or meaningful conviction for breach of the Competition Acts. If the Government is serious about opening up the markets, resources must be put in place to make competition a reality. No organisation can function properly without proper resources.

There are many examples of the lack of competition and electricity is high on that list. Irish citizens are faced with a lack of choice in the electricity market. It is not a luxury commodity but a necessity. The cost of electricity has risen astronomically over the past three years in particular. This rise in electricity charges has an effect in every area of industry, agriculture and tourism. It has also affected the lives of older people and has put pressure on school authorities and boards of management. Anywhere we work or play needs a supply of electricity on a daily basis and there is no real competition in that market. This is an issue that has been neglected by the Government.

Another example of this Government allowing non-competitive practices is in the regulation of veterinary medicines. The Minister for Agriculture and Food stands idly by and watches as the Government prepares to bring in EU regulation which will give control to the vets of this country of the medical supplies needed in the agricultural sector. This area was competitive in the past but the Government and the Minister are

now single-handedly putting in place a structure to take away the competition.

Until now there was plenty of competition between the veterinary medicine suppliers and the veterinaries, but the Minister is taking that away. Tourism is another example of where we have seen a significant rise in costs in recent years. As a result, Ireland has a bad name internationally and people see Ireland as a high cost tourist destination. This is bad for employment and for the country. All the investment in the tourism industry will go to waste simply because we have not applied competition and tried to control competition in the tourist market.

Mr. Hogan: I thank the speakers who contributed to the debate on this important issue. I am disappointed the Government has tabled an amendment to this reasonable motion, which calls for additional resources for the Competition Authority to do its job properly and for a change in the way the Competition Authority does its business in terms of imposing fines rather than being tied up in court action, and removes the issue causing clogging of the system of work in the Competition Authority, as the Minister of State, Deputy Killeen, pointed out in terms of mergers and takeovers. I wanted to remove much of such work in terms of applying thresholds for turnover that would be exempt from notification from the Competition Authority.

In any case, the most important issue of contention in this debate is predatory pricing. I want to set out exactly why the Minister for Enterprise, Trade and Employment is wrong in his definition of predatory pricing. The Minister claims that there is no need to legislate for predatory pricing as it is already prohibited by the Competition Act 2002, but he is wrong on this issue. There is no express mention of predatory pricing in the Competition Act, under either section 4 which deals with anti-competitive arrangements or section 5 which deals with abuse of dominance. The Minister seems to be relying on legal precedent from the European courts, in the Akzo case, that predatory pricing is an abuse of dominance where it is carried out by a firm that is dominant and therefore caught by the general provisions of section 5, but it is critical to understand that the Act contains no express prohibition of predatory pricing.

This is further evidenced by the failure of the Competition Authority to take a single prosecution for predatory pricing since its establishment in 1991. Accordingly, for the Competition Authority to initiate a prosecution for predatory pricing, it must first establish that the party involved is dominant, which under European law typically means that it has either a national or local share in excess of 35%. Recently, the Competition Authority interpreted a local newspaper company, which is a subsidiary of the Indepen-

dent Group, as not being dominant despite having a market share in excess of 65%.

The Minister is wrong, predatory pricing is not expressly banned by the Competition Act and is only rendered illegal if, which is a big if, the Competition Authority determines that a party is dominant. In the grocery trade, for example, none of the current players would be regarded as dominant, either on a national or local basis. Tesco, for example, with 26% of the national market share is not dominant despite being the subsidiary of a global retail giant. Similarly, the discounters are way down the dominance scale.

The Minister's refusal to expressly outlaw predatory pricing is curious. Announcing his decision to revoke the groceries order last week, the Minister declared that he intended to strengthen the Competition Act by making some practices — hello money, resale price maintenance and unfair contract terms — illegal. He mentioned nothing about long-term agreements or about how we can pass on to consumers the discounts and rebates that all of us know are being subsumed into the retail sector. Is he changing the long-term agreement arrangement in the context of the Competition Act?

I pay tribute to the Oireachtas committee, chaired by my colleague, Deputy Cassidy, of which I am a member, for the investigation it carried out on the grocery trade. Following much investigation where all the players were brought before us, the committee clearly came down on the position of reforming the Act and the groceries order to ensure that predatory pricing was banned and that discounts and rebates, in other words, the benefits of volume buying, were passed on to consumers, but the Minister ignored that.

The Minister is trying to have it every way. He is trying to spin that he is abolishing the groceries order to give the impression that this will be good for the consumer but, unfortunately, he failed to publish at the same time the necessary changes in the Competition Act for the small print to protect the small suppliers and to ensure that there is choice, diversity and a balance in the trade that will continue to give the necessary competitive edge in the food sector. It is curious that the then chairman of the Competition Authority, Dr. Fingleton, was more worried about a particular sector of the economy that has shown in the year to June 2005 a reduction in prices of 1.5% and had no particular inclination, no more than the Progressive Democrats, to deal with issues of anti-competitive practices like access to the professions, particularly the legal profession and the medical profession, where we need to free up an enormous amount of competition because of the astronomical increases in prices which professional bodies have been charging, uninhibited by anybody in the Competition Authority or by any Minister in recent years. Therefore, the Mini-

ster's refusal to ban predatory pricing is misplaced.

The motivation for his refusal to expressly outlaw predatory pricing is worth exploring. The likelihood is that he is merely following a Competition Authority edict — he is doing what he is told by the authority — that it can deal with the issue at its discretion without the need for new legislation, and his officials, who have suffered regulatory capture by the authority, will not question this advice. At best he is naive, but at worst he could be accused of being afraid to tackle the vested interests in the economy that have a large market share but which are unlikely to be dominant. If it could be illegal for someone to engage in predatory pricing with a 35% market share, should the fact that a company has a 30% market share absolve it of onus not to engage in predatory pricing? The practice should be rendered illegal, it should not be based on the level of market share of the player. I want to see consistency and equity displayed by the Minister and I am disappointed that he has failed to take that opportunity.

I thank Deputies Ned O'Keeffe and Glennon whose hearts were in the right place on the issue with which we are dealing. They realised the motion before the House is reasonable and balanced. As Government Deputies, they cannot support this motion but they certainly gave the Minister much food for thought by spiritually looking at this motion in the right context.

The most hypocritical contribution came from Deputy Fiona O'Malley. The Progressive Democrats has a serious problem about banning predatory pricing in spite of the fact that in 2001 the then Minister for Enterprise, Trade and Employment, Deputy Harney, listened to all the views in the grocery trade and banned predatory pricing, kept the groceries order in place and found no need for change. What hypocrisy. The then Minister, Deputy Harney, also ensured that no investigation was ever carried out of their friends in the professional bodies across the board who were contributing enormously to the higher charges in this economy.

The record of the Government on competition policy since 1997 leaves much to be desired. In an area where consumers should have benefited from increased competition, greater transparency on pricing and the liberalisation of sectors which were formerly operated as state monopolies, consumers have been the real losers. On many occasions while Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney introduced regulators into various sectors of the economy and Ministers followed suit across various areas of activity. With the introduction of regulatory agencies, we were supposed to see the introduction of more competition with more players being able to get into the marketplace, but what we got was more price increases.

[Mr. Hogan.]

I am critical of the energy sector in particular. The Commission for Energy Regulation was set up and, while I do not want to cast aspersions on the individuals involved because it was their job to look after the energy sector when they were originally in the Department of Public Enterprise and they are suffering from regulatory capture, there has been an increase in energy prices of 61% in the past three or four years. So much for regulatory authorities. If that is the price one must pay for more competition and regulation, we are better off without them. That applies across the board in many different sectors, and there is empire building in terms of regulatory agencies. All sorts of legal, accountancy and other entities are being created in all these regulatory authorities without accountability to this or the other House, and the criteria on which they were appointed need to be reviewed.

I was very surprised at the attitude of the Competition Authority in a recent debate on the groceries order. The report issued on the order

by the Minister when he was announcing his intentions stated categorically there is no evidence the order has led to higher prices. However, this was not the advice the authority was giving to the Department. It said explicitly that one could make a saving of €500 per year as a result of lower prices, in spite of the fact the CSO, in giving evidence to the Oireachtas committee, punctured that argument successfully.

Competition is important to the future of this economy and it is very important that we have liberalisation of the sectors. However, we want to achieve it in a balanced way and give the necessary resources and powers to the Competition Authority such that it can have a proper enforcement function rather than operate according to a political agenda. The manner in which it has done its business in the past has been quite unsatisfactory. Less red tape is needed in the economy and the authority, if properly resourced, should have a role to play in this regard. I ask the House to support the motion.

Amendment put.

The Dáil divided: Tá, 65; Níl, 51.

Tá

Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Cassidy, Donie.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.

Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Woods, Michael.
Wright, G.V.

Níl

Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Cowley, Jerry.

Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.

Níl—continued

Gilmore, Eamon.
Gormley, John.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Pádraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Murphy, Catherine.
Murphy, Gerard.

Naughten, Denis.
Neville, Dan.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Perry, John.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Amendment declared carried.

Question put: "That the motion, as amended,
be agreed to."

The Dáil divided: Tá, 65; Níl, 52.

Tá

Ahern, Dermot.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Cassidy, Donie.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hocter, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.

Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Woods, Michael.
Wright, G.V.

Níl

Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.

Cowley, Jerry.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.

Níl—*continued*

Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gormley, John.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Murphy, Catherine.

Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 O'Dowd, Fergus.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Community Care.

Mr. F. McGrath: I am grateful to the Ceann Comhairle for the opportunity to speak on this very sad case dealing with Mr. Peter McKenna and the Hynes report. There are no winners in this report and I offer my deepest sympathy to Mr. McKenna's family. As a parent of a daughter with Downs syndrome I have a special understanding of the pain, trauma, loss and hurt. I also believe that St. Michael's House should have the opportunity of putting its side of the story on the record and recent events have clearly shown that a grave injustice was done to the caring staff of that institution and their image with the public. I intend to set the record clear tonight.

Founded in 1955, St. Michael's House is a voluntary community based facility providing services to 1,400 children and adults with a learning disability and their families. It is one of Ireland's largest providers of services for people with learning disabilities.

I must also declare an interest as my family are users of the St. Michael's House service and as far as I am concerned it is top class, professional and caring. It was always in favour of a full investigation into Mr. McKenna's case but strongly believes that the second Hynes report is flawed as it leaves out several outstanding issues. I am inclined to agree with St. Michael's House on some core and fundamental points, as follows.

The factual evidence provided to Mr. Hynes by St. Michael's House is dealt with by way of an addendum to the final report. The final report

contains criticisms of St. Michael's House that are withdrawn in the addendum. The presentation of a final report with an addendum is confusing, contradictory and unfair.

Mr. Hynes did not interview the staff involved in the care of Mr. McKenna. He did not seek expert medical opinion in considering the course of Alzheimer's disease in people with Down's syndrome. In its conclusion, the report ignores the fact that the proposal to transfer Mr. McKenna to Leas Cross was endorsed by an independent medical expert appointed by the High Court who visited that nursing home and deemed it suitable for Mr. McKenna's needs. Neither does the report highlight the fact that, due to his wardship, the decision to transfer Mr. McKenna was a matter for the President of the High Court who ordered the transfer "immediately and as a matter of urgency".

Mr. Hynes suggests that the main criterion used by St. Michael's House in recommending Leas Cross was simply its registration with the NAHB. This is not the case and St. Michael's House fully agrees with the HSE it would be flawed thinking to expect that because a nursing home is registered it is suitable for all patients.

St. Michael's House used several criteria in recommending Leas Cross, including two years experience with the facility for respite and long-term care, one year's experience of another client with Down's syndrome and Alzheimer's disease, the nursing home matron's 11 years experience in working with people with learning disabilities, the regular monitoring programme St. Michael's House has in place and the fact the Mater and Beaumont hospitals regularly referred clients to Leas Cross.

Mr. Hynes ignores the fact that Leas Cross nursing home in 2000, with 35 residents, was very different from the Leas Cross he visited in 2005,

which had 110 beds. He failed to investigate the circumstances of a cancelled medical appointment with Beaumont Hospital or seek any information from that institution. St. Michael's House believes the second Hynes report does no service to the McKenna family or to St. Michael's House.

St. Michael's House will co-operate fully with the HSE in any fair and transparent process to assist the McKenna family in resolving any outstanding concerns. I welcome the fact that St. Michael's House welcomes the HSE's executive summary which acknowledges the shortcomings of the Hynes report — page 3, item 5, page 4, item 9 and page 5, item 9. St. Michael's House continues to be willing to work constructively with the McKenna family and the HSE to address and respond to the family's concerns.

The public should be told the facts about people with Down's syndrome infections and Alzheimer's dementia and the real world situation involved in dealing with the advanced stages. I am dissatisfied overall with the Hynes report as I believe a major part of the story was left out and hence a caring organisation like St. Michael's House has suffered in the public mind. It deserves justice and fair play, just like Mr. McKenna. It also deserves that the truth should be told and hence my attempt to set the record straight in the House. I hope my contribution will assist St. Michael's House and bring the service providers and families closer together.

Minister of State at the Department of Health and Children (Mr. S. Power): I am taking the matter on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney. I thank Deputy Finian McGrath for raising this sensitive matter and giving me the opportunity to outline the position regarding it. I know all Members of the House would like to extend their sympathy to the McKenna family on the death of their brother, Peter. It has been a very difficult time for the family.

Following representations from the Department of Health and Children in October 2001, the Eastern Regional Health Authority launched an independent investigation into matters relating to the care and subsequent death of Mr. Peter McKenna in October 2000 in Leas Cross nursing home. Mr. McKenna had been a client of St. Michael's House, a service for people with intellectual disabilities, and had been transferred to Leas Cross nursing home shortly before he died.

In August 2003 following High Court approval for the release of the deceased's medical records, as he was a ward of court, the Eastern Regional Health Authority initiated an independent review by Mr. Martin Hynes of the events leading to his death at Leas Cross. An initial draft report of Mr. Hynes's findings was presented in October 2003. It was then felt the terms of reference required extension, in particular to allow the views and

experiences of the family to be taken into account.

On 23 September this year a copy of the final report was forwarded to the relevant parties. Each party was invited to make comments on the final version of the report within 21 days. The report by the independent consultant engaged by the Health Service Executive was made available to the family by the HSE on Wednesday last, 9 November 2005. The report is now available on request from the HSE.

The report contains an executive summary with overall recommendations in the following areas: advocacy on behalf of the family in respect of any remaining unanswered questions, an integrated complaints procedure, referrals to alternative care, terms of reference for service reviews, written handover procedures, nursing home inspection procedure, internal complaints and concerns for staff and a code of governance for both State and agency provided services.

Progress has already been made by the HSE in implementing some of the actions indicated by the report's recommendations. The HSE will now be proceeding to implement the recommendations in full as soon as possible. The HSE acknowledges in the report that some unanswered questions may remain for Mr. McKenna's family. It has offered to continue to engage with the McKenna family in this regard and to facilitate a meeting with St. Michael's House if the family so wishes.

I would like to express my confidence that the lessons learned from this investigation will be used positively in the future by all parties to protect the interests and quality of services for persons in receipt of care.

Airport Development Projects.

Mr. Sargent: Tá mé fíor bhuíoch don Cheann Comhairle as ucht cead a thabhairt dom an cheist an-thábachtach seo i saol na tíre agus i saol mo Dháil cheantar a árdú. Cuirim fáilte roimh an Aire Stáit, an Teachta de Paor, agus cé go bhfuil árd-mheas agam air, tá mé go láidir den tuairim gur cheart go mbeadh an t-Aire Iompair nó an t-Aire Airgeadais i láthair chun an cheist seo a phlé. Ní mar sin atá sé faraor.

I ask that the Ministers for Transport and Finance clarify how they propose to assess the cost benefit analysis which ought to be applied before any further plans are made to construct a second parallel runway at Dublin Airport. The 1,000 acres of public land, at a value of €1 million to €2 million per acre have an asset base of value of up to €2 billion, meaning that the project as envisaged would result in an economic loss of around €3 billion. This suggests an urgent need to address the imbalance in regional development and less concentration of air traffic around Dublin. Road traffic that would be generated by the construction of a further runway would bring Dublin to a virtual standstill.

[Mr. Sargent.]

The Dublin Airport Authority is outside the legislative remit of the Ombudsman, is not subject to the Freedom of Information Act, while airport noise is not subject to Environmental Protection Agency regulations. The airport is only partially subject to planning law. We are dealing with an institution that does not have to play by the rules which apply to others. Even though the Department of Finance has issued clear guidelines requiring a cost benefit analysis for any project costing more than €30 million, there has been no such analysis for this project. The cost benefit analysis would be expected to set out a number of options, such as the current option of the parallel runway or an extension to the current runway. It would also set out another airport location to be considered or it would detail the knock-on effects of not doing anything.

At a meeting of the Joint Committee on Transport, Mr. Gary McGann of the Dublin Airport Authority told us, perhaps understandably, that it was not its role to examine other locations but simply to maximise the land at its disposal. I do not expect the authority to set out the country's aviation policy, but I would expect the Government to do so. That has not been the case. I ask the Government to face up to its responsibilities in that respect and to ensure that the Dublin Airport Authority not only reflects the guidelines of the Department of Finance but implements them transparently. That is not happening. If the runway were to be built, it would copperfasten the quasi-monopoly of Dublin Airport during the remaining years of the era of cheap oil. Building that runway would become Government aviation policy and lock us into that scenario.

Even though the construction costs are €140 million, the cost of this publicly owned land pushes this project above any of the considerations that have been given to it at the moment. Once the lost land is included, we are talking about a cost of €3 billion, along with the congestion that arises from the construction of the runway. Dublin Chamber of Commerce has pointed to a €1 billion congestion costs per year due to current traffic problems. The Minister for Finance spoke to the chamber of commerce on 20 October about new value for money measures. We do not see that from the Dublin Airport Authority and until we do, the Government is not doing its job. It must scrutinise this project because it does not stand up to a cost benefit analysis.

Mr. S. Power: Proposals on the development of Dublin Airport, including the planning and provision of runway capacity, are in the first instance a matter for the Dublin Airport Authority which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for air-

craft and passengers. Dublin Airport is the country's main airport serving the needs not just of the travelling public in our capital city and the surrounding counties but also of the country's tourism, business and freight sectors. Notwithstanding the welcome increase over recent years in traffic at Shannon and Cork airports and at the regional airports, Dublin Airport will remain crucial to the national economy.

Passenger traffic through Dublin Airport is expected to grow to more than 18 million in the current year and is forecast to increase to 30 million by around 2015. The company is engaged in an ongoing programme of capital works to ensure adequate capacity at the airport in future. This programme includes the provision of a second parallel runway early in the next decade.

The national spatial strategy has acknowledged that the expansion of the level of air services from Dublin Airport to a wider range of destinations is essential in the interests of underpinning Ireland's future international competitiveness. The DAA submitted its application for planning permission for the proposed new runway to Fingal County Council in December 2004. The company responded in August this year to a request from the planning authority for further information. More recently, Fingal County Council sought clarification from the DAA regarding elements of that further information. The current planning process provides the appropriate forum for interested parties, including local communities and residents, to have their views and any concerns heard and taken into account by the planning authorities.

Dublin Airport has the scope and potential to expand to cater for future growth in air traffic for the foreseeable future. Much of the land necessary for the new runway was acquired in the late 1960s and in 1972, the then Dublin County Council included the proposed new runway in the county development plan. As a result of good long-term planning stretching back over four decades, the capacity now exists to provide the proposed second parallel runway and facilitate the continued growth and development of Dublin Airport. Unlike a number of other major European cities, we are particularly fortunate that the long-term planning for the development of Dublin Airport means that the existing facility can be developed to its maximum potential although it is located little more than six miles from the city centre.

The airport is also a major contributor to the local economy in Fingal and nationally. More than 100 companies are located at the airport site providing thousands of valuable jobs directly and indirectly. The continued growth and development of the airport will provide for further employment growth in and around the airport campus.

The Minister for Transport does not propose to conduct a cost benefit analysis of the runway

project nor does he propose to commission any study of alternative options for the provision of airport capacity to serve the greater Dublin area. Subject to planning permission, it is envisaged that the Dublin Airport Authority will provide such capacity through the expansion of existing facilities and infrastructure at Dublin Airport. The continued growth of our business, tourism and manufacturing sectors, which are vital for the country's future economic development, relies on adequate transport infrastructure being available to accommodate that growth. This is as true for airport infrastructure as it is for other modes of transport. It is important for the continuing development of our economy that not only must existing infrastructure deficiencies in our transport system be addressed, we must also ensure that no new bottlenecks are encountered in future.

Mr. Sargent: A cost benefit analysis is required.

Special Educational Needs.

Ms O'Sullivan: I welcome the opportunity to raise this issue with my colleague, Deputy Costello. Last week, we met some teachers from north inner-city Dublin who told us that 14 schools there will lose resource hours this year. I spoke to a principal in my constituency today who told me that her school will lose four resource teachers this year in the context of the introduction of the weighted system.

It seems completely wrong that the most disadvantaged schools are losing resource teachers for children with special needs at a time when the Government is talking about addressing educational disadvantage. The Minister must re-examine the weighting system in the context of these specific schools. I do not mean in the general context, because it is working well for most schools. However, a number of severely disadvantaged schools are losing out because they have many more children with special needs than the national average. This is the nub of this issue.

The Minister is aware of this because she herself recently launched a document called, "Reading Literacy in Disadvantaged Primary Schools", which showed that on average, the level of literacy problems in disadvantaged schools is more than three times that of schools in general and that up to half the children in some schools have severe literacy problems. Hence, the Minister has the evidence to show that the weighted model does not work in schools where there is a high level of disadvantage in which one has a large number of children who require one-to-one help and are considerably below average in terms of literacy and numeracy. This must be addressed in a specific way for these schools.

I suggest the Minister either halves the existing 80:1 ratio or else, which would be preferable, provides the resources to these schools on the basis of need. This can be done by ensuring that there

are enough NEPS psychologists to carry out the assessment of need for these children. They will have problems later on in their school careers if they do not receive the requisite attention in the earlier stages of primary school.

I will give an example of something we were told by a teacher last week. In the current context, children in an inner city school, who would have received resources up to now, will no longer do so. This is because although they are below average, they are not at the lowest level. Such children will no longer receive the resources because they are in a disadvantaged school. However, were they to move to one of the more affluent suburbs, where there were fewer children with special needs, they would then receive resource support. While the same child with the same problem would not receive help in a disadvantaged school, he or she would do so in a more advantaged school. There must be something wrong with such a system and I urge the Minister for Education and Science as well as the Minister of State who represents her this evening to ensure that this is addressed so that such children will receive the support they need.

Mr. Costello: I also welcome the opportunity of raising this issue, because it is a serious problem in my constituency. The problem occurs in small urban and small rural schools and in particular, those in disadvantaged areas lose out. As Deputy O'Sullivan has noted, it is ironic that if the same people attended school in a more affluent area, the lower level of disadvantage and special needs would enable them to receive one-to-one educational attention. However, given the intensity of disadvantage and the intensity of special needs education requirements in inner city schools and in small schools in particular, the situation remains lopsided because of the weighting system.

I wish to ensure that people are not discriminated against in this manner. At a minimum, no school should lose out as a result of the new weighted system. Most parts of the country have benefitted because of their low proportion of special needs requirements. However, schools have not benefitted where there is a high proportion of special needs requirements, but have lost out. As Deputy O'Sullivan has noted, 14 schools in my constituency have already lost at least one teacher and other teaching posts are under threat and may well be lost next year.

I understand that a review will take place next month to mark the end of the year. It must take these matters into consideration so that either the ratio is reduced or it ensures that all the teachers who were there to begin with remain. While a proper assessment of needs should also be carried out, at present this is impossible, as there are insufficient psychologists available to do it. However, we know that a child loses out if he or she is not assessed at the proper time, and his or

[Mr. Costello.]

her needs identified, if he or she has special needs.

Hence, a serious problem exists. I hope the Minister recognises it and that it will be included in the review mechanism that is to be implemented next month. I also hope the Minister can ensure that all the affected schools will retain the teachers they have and can ensure that they benefit further from the new weighted system.

Mr. S. Power: I am pleased to have been given the opportunity by Deputies O'Sullivan and Costello to clarify the position of the Department of Education and Science in respect of the new general allocation system. The general allocation of learning support or resource teachers is intended to cater for children with learning support and high incidence special educational needs. The system was constructed so that learning support or resource teacher allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard.

The new system has a number of benefits associated with it: it puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels; it facilitates early intervention as the resource is in place when the child enrolls; it reduces the need for individual applications and supporting psychological assessments; and it allows flexibility to school management in the deployment of resources, leading to a more effective and efficient delivery of services.

In introducing the general allocation system, transitional arrangements were also introduced whereby transitional hours were allocated to schools to cater for children for whom individual teaching resources had previously been allocated, but which it would not have been possible for the school to continue to provide from its general allocation. In the circumstances, no child should have experienced a loss of resource teaching support.

It has always been the case that schools in receipt of resource teacher support in respect of pupils with special educational needs would lose teacher support, either full posts or part-time hours, when the pupils that triggered the extra support left the school.

In the circumstances, the Department of Education and Science has no plans to change the current mechanism of allocating teaching resources to schools to support pupils with special educational needs. It is intended that a review of the general allocation model will be undertaken within three years of operation. The Department is satisfied that at this stage, the general allocation system is working well and has been favourably received by schools. The Department

will continue to work with schools and the education partners with a view to ensuring that this remains the case in the future.

There are now more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs.

The Department of Education and Science has recently issued a comprehensive circular to all primary schools regarding the organisation of teaching resources for pupils who need additional support in mainstream primary schools. The main purpose of this circular is to provide guidance for schools on the deployment and organisation of the teaching resources allocated under the general allocation model. This circular also refers to the deployment of additional teaching resources that are allocated to schools for the support of individual pupils with low incidence disabilities.

The Deputies may be aware that the Department has introduced a new action plan for educational inclusion, DEIS, that is, delivering equality of opportunity in schools, which aims to ensure that the educational needs of children and young people, from pre-school to completion of upper second level education, that is, from three to 18 years, from disadvantaged communities are prioritised and effectively addressed. The new plan is the outcome of the first full review of all programmes for tackling educational disadvantage that have been put in place over the past 20 years and it will involve an additional annual investment of some €40 million on full implementation. It will also involve the creation of approximately 300 additional posts across the education system generally. A key element of this new action plan is the implementation of a standardised system for identifying levels of disadvantage in our primary and second level schools, which will result in improved targeting of resources at those most in need. The identification and analysis processes are being managed by the Educational Research Centre on behalf of the Department of Education and Science. As a result of the identification process, approximately 600 primary schools, comprising 300 urban-town, 300 rural and 150 second level schools, will be included in a new school support programme. The programme will bring together and build upon a number of existing interventions for schools and school clusters-communities with a concentrated level of educational disadvantage. Officials in the Department anticipate that they will be in a position to notify participating schools in time for the next school year regarding the outcome of the ongoing identification process. I thank the Deputies once again for affording me the opportunity to clarify the position regarding the general allocation system.

Higher Education Grants.

Mr. P. McGrath: I thank the Ceann Comhairle most sincerely for allowing me to raise this matter. It is with great reluctance and a sense of total frustration that I do so. Having tried to get this issue resolved for the past month, I lay the case before the House out of pure desperation arising from the Department's failure to resolve it. I ask anyone who reads the report of this Adjournment debate to treat this difficult matter sensitively.

While I welcome the Minister of State at the Department of Health and Children, Deputy Seán Power, to the House to respond to the debate, I am extremely disappointed that a Minister from the Department of Education and Science is not before us. The Minister of State is here to do his duty, but the matter I raise is of such importance that it requires the presence of a Minister from the relevant Department, specifically the senior Minister given that the case was brought to the attention of her office and she failed to do anything about it.

The case relates to the approval of an application for a higher education grant. Deputies have been around for long enough to know that all sorts of circumstances arise in the area of applications for higher education grants, people are turned down for various reasons and so forth. However, we always hear that discretion may be exercised by the Department in deciding whether to approve a grant application. What discretion is available in the Department and who exercises it? Does anyone in the Department have sufficient compassion to make a decision on this case, which I propose to outline?

The application was made by a young woman of 19 years who was born with cystic fibrosis and has been confined to a wheelchair since birth. At the age of three years her father walked out on the family leaving her mother to raise her alone. Two or three years ago, her mother remarried but died of a brain haemorrhage this year. The young woman in question won a place in Athlone Institute of Technology through the competitive process and is in a position to do a degree, but having started college she was informed she will not receive a grant from the Department.

Despite having discretion, the Department refuses to award the young woman a grant. For the past month, I have pestered officials who have requested further information or variously stated that a decision would be taken on the following Monday, the person responsible for making the decision was on holiday and a decision would be made on his return, or a decision would be made at a meeting due on the following Wednesday and the matter would have to be examined by the supervisor. While this prevarication has been taking place, the poor woman at the other end of the telephone line has been uncertain about whether she will be able to continue at college because without a grant she will be forced to discontinue

her course. The issue has been repeatedly pushed around the Department without a decision being made.

The Department's appalling behaviour amounts to ill treatment of a young person and abuse of the taxpayer. If taxpayers were made aware of this case, they would instantly agree that it was a worthy one. The Department must exercise compassion and come to the rescue when circumstances of this nature arise.

The Minister of State is in a difficult position because his script has been prepared. I do not know what are its contents but I hope it will express compassion and common sense and give some relief and comfort to the young woman in question. Will it enable her to continue her education or will we leave the Chamber and make a telephone call to tell her to leave college because she has no future?

Mr. S. Power: I thank Deputy Paul McGrath for affording me this opportunity to outline to the House the position of the Department of Education and Science regarding an application by the student in question for funding under the vocational education committees scholarship scheme. I apologise on behalf of the Minister who, unfortunately, has another engagement this evening.

The Department funds three means tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one maintenance grant scheme in respect of students attending approved post-leaving certificate courses in approved PLC centres. These are the higher education grants scheme, the vocational education committees scholarship scheme, the third level maintenance grants scheme for trainees and the maintenance grant scheme for students attending post-leaving certificate courses.

The higher education grants scheme is administered by local authorities, while the other three schemes are administered by vocational education committees on behalf of the Department of Education and Science. The process of assessing eligibility for third level or further education grants is a matter for the relevant local authority or VEC in the first instance. The decision on eligibility for third level grants is a matter for Westmeath VEC, the awarding body in this case. These bodies do not refer individual applications to the Department except in exceptional cases when, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. It appears no such advice or instruction has to date been sought by the awarding authority in the case of the student in question.

Mr. P. McGrath: A Cheann Comhairle, may I read part of a letter from the local authority in question?

An Ceann Comhairle: I suggest the Deputy pass the letter on to the Minister.

Mr. S. Power: If the Deputy indicates an instruction was given, I will accept his word.

Mr. P. McGrath: The letter states that the official concerned has reminded the student of her right to make an appeal to the Department of Education and Science for a final decision and understands this was recently done with the assistance of the access officer in Athlone Institute of Technology.

Mr. S. Power: I accept the Deputy's point. If an individual applicant considers that he or she has been unjustly refused a maintenance grant or that the rate of grant awarded is not the correct one, he or she may appeal to the relevant VEC. Where an individual applicant has had an appeal turned down, in writing, by the relevant VEC and remains of the view that the body has not interpreted the schemes correctly in his or her case, a letter outlining the position may be sent to the Department of Education and Science. Alternatively, as already indicated, the VEC may, in exceptional circumstances, refer the case to the Department for advice.

The Deputy will appreciate that it is not open to the Department to depart from the terms and conditions of the maintenance grants schemes in individual cases. I am aware, however, that the Deputy has been in contact with officials in the Department regarding the individual concerned. In addition, the access officer attached to Athlone Institute of Technology has been in correspondence with the Department.

The position is that, in general, students entering approved courses for the first time are eligible for grants — maintenance and tuition fees — where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. Under the terms and conditions of the vocational education committees scholarship scheme 2005, a mature candidate means a candidate who is at least 23 years of age on 1 January of the year of entry or re-entry to an approved course. Mature students are categorised as either independent mature students or

mature students dependent on parents. An independent mature student is defined as a mature candidate who is not ordinarily resident at home with his or her parents from the October preceding his or her entry to an approved course. Independent mature students are assessed without reference to their parents' income or address. When assessing the means of students other than independent mature students, the scheme specifies that the students' means and those of their parents or guardians must be below a prescribed limit. That provision requires that parental income be taken into account, irrespective of the individual circumstances, in any case where the student is not an independent mature student.

In accordance with clause 4.4.3 of the VEC scheme 2005, in the case of a candidate other than an independent mature candidate, the candidate's reckonable income shall be that of the candidate and of the candidate's parents or guardians, except where the candidate's parents are divorced or legally separated or it is established to the satisfaction of the vocational education committee that they are separated, in which case the candidate's reckonable income shall be that of the candidate and of the parent with whom the candidate resides.

It is understood that the student in question is seeking to be assessed as an independent student. To be assessed as such in this case, satisfactory evidence must be supplied to establish independent status. The Deputy will be aware that aspects of the case must be clarified to assess eligibility.

Mr. P. McGrath: I have submitted such evidence.

Mr. S. Power: Officials of the Department of Education and Science will be in direct contact with the awarding authority to make progress in the examination of this case.

I thank Deputy McGrath for raising the matter and for presenting the case so well. It appears there is some conflict in the reply I have given. I will inquire tomorrow on the Deputy's behalf and contact him again. I wish him every success with his representation on behalf of what, judging by the evidence he has given, appears to be a very worthy and deserving case.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 17 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 11, inclusive, answered orally.

Questions Nos. 12 to 84, inclusive, resubmitted.

Questions Nos. 85 to 91, inclusive, answered orally.

Fishing Industry Development.

92. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the economic downturn in Killybegs and south Donegal resulting from the depression in the fishing industry; and his plans to improve the situation. [34472/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I am keenly aware of the industry's views in this area. However, in the context of planning the development of the Killybegs fishing industry, it is important to recognise some key international factors that are impacting on the industry and which are outside domestic influence.

The European fishing industry is experiencing difficulties for a variety of reasons, including scientific concerns about certain key pelagic stocks such as mackerel, on which the Killybegs industry is significantly based. There has clearly been, for example, an adverse effect on raw material supplies into Killybegs as a result of the 27% cut in the 2005 mackerel quota. This effect on Killybegs is not unique. Many other fishing ports throughout Europe have been similarly affected and the situation has been exacerbated by international market changes which have seen Norwegian processors pay record prices for mackerel for most of this year. It is not open to me to obligate vessel owners to land into an Irish port as this would amount to an unjustifiable restraint on trade.

Notwithstanding such impacts, I believe that there are solid grounds for an improving situation. First, as a direct result of €50 million investment, Killybegs Port is now a world class landing location with top class facilities that have the clear capability to attract additional fish landings. In addition, there have been a number of important developments recently concerning the blue whiting and mackerel stocks. On blue whiting, after many years of negotiations, agreement was reached a few weeks ago between the relevant coastal states on the sharing of the blue whiting stock. This agreement has been wel-

comed by the Irish industry. On mackerel, following recent coastal states negotiations with both Norway and the Faroes Islands, the 2006 mackerel quota is set to increase by 5%.

In addition to these positive developments on fish stocks, I sought and secured the agreement of the Council and the Commission to introduce changes to the pelagic weighing requirements that allows, subject to certain conditions, for weighing to take place in the factories away from the portside. This addresses concerns expressed by industry. I believe that these developments point to an improving situation for Killybegs and the Irish fishing industry generally.

Ferry Operations.

93. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources his views regarding the treatment of workers on board the Irish Ferries ship the *Normandy*, notwithstanding the fact that the Government's ability to intervene is constrained by the fact that this ship flies under a flag of convenience; and if his Department has raised concerns regarding the treatment of workers on this ship with the management at Irish Ferries or in any discussions with IBEC. [31446/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I have responsibility for the Irish Ship Register, that is, for Irish registered ships. Applicable national and international law governs the operation of other ship registers. The Irish Ferries Limited ship, the *MV Normandy*, has been off the Irish Ship Register since 12 January 2005. Obligations on the ship's owners regarding maintenance, crewing standards and certification of those matters are appropriate to the flag state responsible for the ship, the Bahamas.

Officers of the Department's marine survey office periodically inspect the ship in the exercise of Ireland's port state control obligations. These inspections are aimed at ensuring that the vessel is maintained and operated in compliance with international safety standards laid down by the International Maritime Organisation, IMO, and, with regard to seafarers' social conditions, by the International Labour Organisation's, ILO, maritime conventions, together with relevant EU initiatives in the maritime area. Deficiencies identified are brought to the attention of the owner and flag state administration and may have to be rectified before the ship continues its journey. The *MV Normandy* was last inspected in July 2005.

I have spoken with the management of Irish Ferries Limited regarding the operation of its ferries on the Irish Sea but not regarding the crewing arrangements on the Ireland to France route, since the *MV Normandy* was taken off the Irish Ship Register and placed on the Bahamas Ship Register. I have been given to understand

[Mr. Gallagher.]

that the economics of operating the Ireland to France ferry service prompted the company to change the ship's flag and crewing arrangements.

Ireland benefits from having a direct ferry service to the Continent for much of the year. It is regrettable if the economics of providing such a service require the use of non-Irish seafarers and a non-EU flagged ship. I have not spoken to IBEC specifically about the crewing arrangements of the *MV Normandy*.

Postal Services.

94. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he has taken either directly or through the regulator with the objective of broadening the business base of An Post with a view to upgrading and extending the services to a greater number of consumers, with consequent benefit to the economy; the future of the postal services here; and if he will make a statement on the matter. [34476/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): This Government and the board of An Post are committed to the objective of securing a viable and sustainable post office network and a postal network for mail and parcel delivery. In so far as the post office network is concerned, notwithstanding the commercial remit of An Post, there is clear Government recognition of the social benefits of maintaining the nationwide post office network. Accordingly, An Post development strategies for the network continue to take full account of these social benefits.

As a commercial company, the development and growth of An Post's business is a matter for the company's management and board. The challenge ahead for An Post is to develop a strategy that satisfies the needs of existing customers, while attracting new customers into the post office. An Post has already had some success in winning new business and continues to benefit from a considerable amount of Government business, especially in the areas of social welfare payments and savings products. While the Government will support the network in any way it can and has demonstrated its commitment in a tangible fashion, with a €12.7 million capital injection in 2003, the way forward is for An Post to enhance existing services and, building on existing strengths, to develop new product offerings.

I have also asked the company to ensure that any strategy for the development of the company should ensure the long term viability of the post office network and, in this light, An Post is currently working on a new initiative which could see the development and expansion of the range of financial services that it can deliver through its network of post offices. If successful, it could lead to a significant increase in post office business and contribute to the viability of the network.

On foot of substantial investment in computerisation, a significant amount of extra business has already been obtained for the network in terms of banking and utility business. At present, 95% of An Post's business is conducted through automated offices. To gauge the impact of automation on business generation, I have asked the company to initiate a pilot project to automate ten small post offices. This project is underway and the results of the project will be evaluated after the trial period has come to an end. An Post also enjoys a strong relationship with sections of the population that currently have no bank accounts, including many social welfare clients. With the roll out of e-government services, the post office is ideally placed to capitalise on opportunities arising in this space, especially in the area of e-payments.

Looking at the mail and parcel sector, another potential growth area for An Post, in terms of revenue and new business, is the direct mail sector. An Post currently provides two services, called Postaim and Publicity Post Material, which allow businesses to address correspondence about their products and services directly to individuals or alternatively to have unaddressed publicity brochures delivered to houses in a particular area. The growth of Internet fulfilment provides opportunities for the An Post parcels business.

Electricity Generation.

95. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources his role in the proposed separation of the ESB and EirGrid; the person who has responsibility for negotiation of the contract conditions for staff transferring from ESB to EirGrid; and the action which can be taken should such a negotiation procedure prove inconclusive. [34534/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The model whereby EirGrid as transmission system operator is to be separated from ESB is laid down in statutory regulations made in 2000 and 2005, in furtherance of obligations under the second electricity market directive, 2003/54/EC. ESB as the current employer and EirGrid as the prospective new employer have between them the duty to bring about the transfer of staff. Other aspects of the separation are to be governed by an infrastructure agreement drawn up under the guidance of the Commission for Energy Regulation. The necessary approval of the CER to this agreement was given on 14 October.

As *de facto* shareholder, I and my Department monitor developments in reward systems generally in State companies under my aegis. This is done in consultation with the Department of Finance. In that context I would be concerned to ensure that no reward or incentive is given over and above that which is necessary to protect staff fully in respect of their current terms and conditions of employment and pension entitlements.

The boards of both companies are aware of my role and views in this matter and it is for them to find an acceptable solution. I believe it is appropriate for me to keep my options open as regards alternative solutions if the parties fail to agree. This problem is now urgent.

Radio Broadcasting.

96. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if he will bring forward measures to facilitate the provision of digital radio in its DAB and DRM formats; and if he will make a statement on the matter. [34354/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Across the world broadcasting services are moving from analogue to digital platforms. The pace of change in the case of television is faster than radio. In some instances, radio services are now often packaged with digital television services. Indeed, the pace of roll out and take up of digital television services has raised the profile of the analogue switch-off debate in Europe generally. The EU Commission has proposed 2012 as a suitable target date for analogue television switch-off.

Digital radio is available through a number of formats. Digital audio broadcasting, DAB, and digital radio mondiale, DRM, are two of those formats. Radio is now also available digitally via satellite, across the Internet and packaged with digital television services. DAB and DRM are available in a number of countries. There has been a significant roll out of DAB in the UK. Digital radio services offer an enhanced quality of reception for existing channels along with new channels and additional services, including text and multimedia.

There are significant challenges in the development of different digital radio platforms. Broadcasters, satisfied with existing broadcast standards, are reluctant to undertake significant costs in rolling out digital radio networks. Digital receivers are expensive and listener uptake has often been limited for this reason. A key decision for broadcasters and policy makers relates to what digital protocols should be used. DAB and DRM, for instance, are not necessarily technically compatible. RTE has conducted some DAB trials in the past and will be trialling DAB from Three Rock and Clermont Carn transmission sites early next year.

My Department is currently concentrating on planning a DTT pilot and developing proposals for a national roll out of DTT. It is expected that DTT will also include radio services.

Marine Safety.

97. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the details of the new regulations, the Merchant Shipping (Passenger Boat Manning) Regulations

2005, that were recently issued by him; and if he will make a statement on the matter. [34344/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Merchant Shipping (Passenger Boat Manning) Regulations 2005, S.I. No. 649 of 2005, require all skippers of passenger boats to hold a valid certificate for the appropriate class of vessel and a commercial endorsement verifying that the skipper has attained the standard specified in marine notice 27 of 2005 in respect of personal survival techniques, first aid and medical fitness. The regulations will not come into effect until 1 April 2006 to allow a sufficient lead in time to enable skippers and crew to undertake the necessary training.

In accordance with the regulations, I have appointed the Irish Sailing Association as a body for the purpose of issuing certificates and commercial endorsements under the regulations. Discussions are currently under way with a view to additional organisations becoming appointed bodies in the near future.

This is a key initiative in the Department's ongoing safety programme and builds on the regulations that were introduced in 2002 setting down standards for the construction of, and safety equipment to be carried on, passenger boats. The regulations have been introduced following a consultation process with interested parties. They also address one of the recommendations in the report of the marine casualty investigation board into the loss of the *Pisces* at Fethard-on-Sea in July 2002, when five people tragically lost their lives.

My focus in introducing the new regulations is to enhance safety and to ensure that the public can have confidence that when they pay to be carried on a passenger boat that those in charge of the vessel are appropriately trained and certified. Full details of the new regulations are available on the Department's website, www.dcmnr.ie.

Fishing Industry Development.

98. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the key aims and principles of Ireland's negotiating position for the forthcoming EU Fisheries Council; and if he will make a statement on the matter. [34374/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Although the next Council of Agriculture and Fisheries Ministers takes place from 22-24 November, I assume the Deputy is referring to the Council which will take place in December and decide on the total allowable catches, TACs, and quotas and associated conditions for fish stocks for 2006.

The priority for Ireland at this Council will be to achieve a balanced outcome that will provide for a sustainable future for the Irish fishing indus-

[Mr. Gallagher.]

try. The need to take effective conservation measures in order that fish stocks are managed and exploited on a sustainable basis is an overriding imperative for both the Government and the Irish fishing industry. Within that context, the primary aim will be to ensure that Irish fishermen all around the coast will have available to them the maximum possible quantity and range of fishing possibilities in 2006 that can be justified on a sustainable basis.

The Commission's proposals for 2006, which will be published in the coming weeks, will be considered in the context of the scientific advice, current measures in place, including recovery plans and effort restrictions, and in consultation with industry representatives to determine a national position, taking account of the need to achieve sustainable fishing opportunities for the Irish industry. In so far as Ireland is concerned, this means the setting of catch limits for Irish fishermen in respect of some 40 fish stocks, mainly in western waters around Ireland's coast, as well as effort limitation measures for certain gears in certain waters. I will maintain close contact with industry representatives throughout these negotiations with regard to securing sustainable fishing opportunities for Irish fishermen.

Broadcasting Services.

99. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with sporting organisations with a view to providing free to air coverage to the widest possible audience; and if he will make a statement on the matter. [34523/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting (Major Events Television Coverage) Act 1999 (Designation of Major Events) Order 2003, designates a number of sporting events as being events of major importance to society which should, in the public interest, continue to be made available on a free-to-air television service in Ireland. The purpose of designation is to prevent certain events that have traditionally been available on free-to-air television services from migrating to subscription or pay-per-view services on an exclusive basis.

Section 9 of the 2003 Act provides that I shall carry out a review of designated events not later than three years after the passing of the 2003 Act. Accordingly a review must be undertaken not later than April 2006. I propose to commence that review shortly. As part of that review I will consult with broadcasters, rights holders and the public. The review will consider the existing list of designated events and may also consider additional events.

Alternative Energy Projects.

100. **Mr. Gogarty** asked the Minister for

Communications, Marine and Natural Resources the measures he intends to take to promote the development of micro scale renewable energy here, as is requested under EU Directive 2001/77/EC. [34539/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The legislative measures required to meet the obligations addressed to Ireland in EU Directive 2001/77/EC had previously been implemented in the Electricity Regulation Act, which liberalised the entire green electricity market prior to the directive. This legislative base is supplemented by decisions from time to time by the Commission for Energy Regulation regulating the electricity market generally.

In addition, Sustainable Energy Ireland, SEI, commissioned a study to examine the metering options for small scale renewable and CHP generation in Ireland. The study report, Metering Options for Small-Scale Renewable and CHP Electricity Generation in Ireland, was completed in August 2005 and is now published. The study provides a comprehensive technical, financial and economic analysis of the options for metering small scale renewable and CHP electricity generation. The purpose of the study was to identify suitable policy options taking into account the complex technical and administrative issues involved. Further work in this area looking at the issue of connection standards for small scale electricity generators will be addressed shortly by SEI.

Under SEI's house of tomorrow research, development and demonstration programme, financial support is directed at encouraging developers of housing, both new build and refurbishment, to incorporate design and technology features which deliver significantly superior energy and CO2 performance. By targeting developers of schemes of houses, from the private or social housing sectors, the aim has been to establish, over a number of years, a nationwide network of accessible examples of more sustainable energy design and technology practices. There is a total of 55 housing demonstration projects and 2,650 homes have benefited from this programme to date. The technologies installed include: condensing boilers — 1,708 homes; solar water heating — 531 homes; heat recovery ventilation — 381 homes; ground source heat pumps — 176 homes; wood pellet boilers — 308 homes.

Telecommunications Services.

101. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources if he has sought or received any explanation directly or through the regulator as to the reason the provision of high speed broadband here is lagging behind most European competitors; and if he will make a statement on the matter. [34501/05]

138. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if he has sought or received information directly, through the regulator or from industry regarding the need for the rapid provision of broadband services here; and if he will make a statement on the matter. [34519/05]

164. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the areas in respect of which the greatest progress has been made in the past 12 months in the provision of high speed telecommunication services, including broadband; and if he will make a statement on the matter. [34510/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 101, 138 and 164 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation, ComReg. The principal reason for the slow roll out of broadband services generally has been the slower rate of investment by the private sector in the necessary infrastructure to deliver broadband to all areas. The Government is addressing the local infrastructure deficit by building high speed open access metropolitan area networks, MANs, in 120 towns and cities nationwide on a phased basis, in association with the local and regional authorities. Phase one of this programme has delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget.

This programme has been extended to a further 90 towns in various locations nationwide. Design and procurement has already commenced in several regions and construction is due to start early in 2006. It is expected that these MANs will be completed during 2006 and 2007. These metropolitan area networks will allow the private sector to offer world class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities to become self sufficient in broadband through the county and group broadband scheme. The scheme is technology neutral, allowing the community to select the most suitable broadband delivery platform for the area, with each application being assessed by the Department’s technical advisers. To date, over 150 projects have been approved for funding under this programme.

A joint industry/Government fund of €18 million has been established for the broadband for schools programme, which will provide every school in the country with broadband by the beginning of 2006. This is a crucial strand in the strategy of integrating ICT into teaching and learning and the Department of Communications, Marine and Natural Resources’ wider vision of promoting the use of broadband

technologies in local communities around the country. The construction/installation phase is now under way and the project is on target for completion within the set timeframe.

The ranking of Ireland against other European countries reflects the late launch of competitive, affordable broadband by private broadband service providers in Ireland and a slow take up by consumers. However, Ireland’s rating is improving. According to recent EU Internet statistics, there are over 2 million Internet users in Ireland. This represents user growth of 163% in the last four years and a market penetration per population of 51.2%, which compares favourably with the EU average of 48.9%. Irish broadband prices are now below the EU average and this should have the effect of further stimulating demand.

Fishing Industry Development.

102. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources the legal position with regard to regulatory instruments from his Department; and if he will make a statement on the matter. [34370/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Deputy’s question refers to the Supreme Court judgments in the cases of Vincent Browne of 16 July 2003 and Tom Kennedy of 31 May 2005. The provisions of section 14 and section 15 of the Sea-Fisheries and Maritime Jurisdiction Bill 2005, the Second Stage of which is scheduled to be discussed in this House tomorrow, are designed to address the outcome of both cases with regard to fishery matters. I direct the Deputy’s attention to the detailed explanatory and financial memorandum which accompanies the Bill, the relevant sections of which deal with the issues raised by both cases and how these are to be addressed via the provisions of the new Bill.

Telecommunications Services.

103. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources his views on proposals regarding local loop unbundling; his further views on whether this is a critical development for broadband roll out; the steps he will take to achieve a significant level of access to the local loop; and if he will make a statement on the matter. [34367/05]

135. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if achievements to date in 2005 in respect of local loop unbundling are adequate to facilitate the development of the communications industry with particular reference to ready availability to the consumer; and if he will make a statement on the matter. [34484/05]

175. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if local loop unbundling or other requirements to facilitate broadband or other telecommunications provision or expansion has been completed to date in 2005; and if he will make a statement on the matter. [34483/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 103, 135 and 175 together.

Local loop unbundling, LLU, is mandated by a European Council regulation and responsibility for its implementation is a matter for the Commission for Communications Regulation, ComReg, under the Communications Regulation Act 2002 and the transposed EU regulatory framework for electronic communications networks and services, working with all the industry players. ComReg is independent in the execution of its functions in accordance with the provisions of the 2002 Act.

LLU was the subject of a court case earlier this year. ComReg directions to Eircom relating to LLU were found to have denied Eircom's right to appeal to the electronic communications appeals panel. ComReg's directions were subsequently withdrawn and ComReg is working with Eircom and the industry on the issue. Local loop unbundling is an important element of facilitating competition and broadband delivery. Local loop unbundling in Ireland remains low. I have recently asked ComReg to report to me on what additional regulatory powers are required, if any, to advance local loop unbundling.

In the forthcoming Miscellaneous Provisions Bill I will provide for increased penalties and more efficient prosecuting procedures for ComReg. These increased enforcement powers will give ComReg greater muscle to enforce regulatory decisions to support the development of competition in the telecoms market.

Fisheries Protection.

104. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if the case taken against Ireland for breach of European Union fish quota rules as decided upon in January 2005 has been resolved; if other outstanding cases exist between the State and the European Union regarding a reported failure to implement EU fishery control legislation; and if Ireland may face fines if it were found to be in continued breach of such control and monitoring measures. [34549/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I assume the Deputy is referring to the judgment of the European Court of Justice, dated 18 November 2004 under Article 226 of the European Treaty, which related to a number of cases of Irish fish quotas being exceeded in 1995 and 1996. In the light of this judgment, the Euro-

pean Commission asked Ireland to indicate by 22 January 2005 details of the measures that had been taken or would be taken to address the issues raised by the judgment.

A detailed and comprehensive response to this letter was issued by Ireland on 21 January 2005. The Commission may, if it is not satisfied with Ireland's response, initiate proceedings under Article 228 of the treaty to enforce the earlier judgment of the Court of Justice. The court may impose a lump sum penalty and also a periodic penalty for continued failures. However, it must be pointed out, as it was in Ireland's response, that the Department has invested heavily in fisheries control resources and information technology in the intervening years to address the system deficiencies that contributed to the over-fishing cases referred to in the judgment.

There are a further six cases in which the Commission has taken court cases or infringement proceedings against Ireland for alleged over-fishing or inadequate implementation of the Common Fisheries Policy. Of these cases, the Commission has applied to the European Court of Justice to initiate proceedings in one case, while it has issued reasoned opinions in two further cases and letters of formal notice in the remaining three. All of these cases are under Article 226 of the European treaty but, while they will be defended vigorously by Ireland, they all carry the possibility of adverse judgments and of possible further action by the Commission under Article 228 of the treaty. This makes it imperative that Ireland is able to maintain a vigorous and robust legal and operational framework relating to control and enforcement under the Common Fisheries Policy.

Natural Gas Grid.

105. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources when he expects to receive the independent review of the design of the proposed Corrib onshore gas pipeline; if he has the authority to refuse further consent for the development if this review raises concerns about the proximity of the pipeline to houses; the reason the pipeline has a design capacity of carrying gas at pressures up to 345 bar when the operators of the Corrib field insist that gas pressures from the field will never be greater than 150 bar. [34536/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Following representations made during the consultation period, my technical advisory group proposed, and I agreed, that Advantica, the consultants who are undertaking the review on my behalf, should undertake additional work related to the geo-technical behaviour of peat in the context of the planned pipeline route. The consultants are currently undertaking this additional work and, as of today, I do not have a precise date for the submission of their draft report. I can, however, state

that it will be available before the end of the month. I do have the authority to withhold consents not already granted, provided I have sound reasons for so doing.

The well head shut-in pressure is 345 bar. I understand that the initial normal operating pressure of the upstream, onshore section of the pipeline could be up to 150 bar. The maximum design pressure of the pipeline is set at 345 bar to ensure the safety of the pipeline in the extremely unlikely event that the various valves and chokes were to fail. The consultants undertaking the safety review will determine which pressure figure they deem appropriate as the basis for design safety calculations.

Alternative Energy Projects.

106. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources if his Department intends to replicate the system of grants and credits for renewable energy that are available in Northern Ireland in view of the development of an all-Ireland energy market for electricity generation. [34540/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A consultation process on an all-island vision for sustainable energy to 2020 is currently underway. Responses to a consultation paper were requested by 30 September and, following consideration by both Departments, a paper setting out options for future co-operation on the development of a long-term all-island sustainable energy strategy will be published in early 2006. The replication of any existing schemes in operation in Northern Ireland is not necessarily a requirement for any future new system.

To date in Ireland, 675MW of renewable capacity has been connected with a further 175MW under active construction. I recently announced a new support programme to further increase the contribution to electricity production from renewable energy sources. This new programme will move away from the competitive tendering model to a fixed price scheme.

In the area of alternative fuels, the biofuels mineral oil tax relief scheme was launched in April this year and has resulted in eight biofuels projects being awarded excise relief for a period of two years. Excise relief of €6 million will be allowed for these projects, over a two year period to 2007. It is anticipated that this will result in 16 million litres of biofuels replacing imports on the Irish transport market during that period.

In addition to these initiatives, Sustainable Energy Ireland administers a series of programmes aimed at supporting the integration of renewable technologies and sustainable energy practices across all sectors of the economy. I am fully committed to the development of our renewable resources and I believe that the combination of these programmes is serving to ensure the increased deployment of renewable and alter-

native energy within Ireland's electricity, heat and transport markets.

Co-operation between the North and South on energy matters takes place under the auspices of a joint steering group, JSG, established in July 2003. The group comprises of senior officials from the Department of Communications, Marine and Natural Resources and NI Department of Enterprise, Trade and Investment and the offices of the two regulatory authorities — Commission for Energy Regulation, CER, in the South and Northern Ireland Authority for Energy Regulation, NIAER, in the North). The energy Ministers "All-Island Energy Market Development Framework" sets the policy context for the creation of the all-island market. Both regulators have signed a memorandum of understanding in which they commit themselves to working together to deliver the single electricity market, SEM. The regulators have established a joint project team to progress the design and implementation of the SEM.

107. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if he proposes to take further initiatives to promote or encourage the production of hydro, wind or bio-energy; and if he will make a statement on the matter. [34487/05]

257. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to encourage the production of wind generated electricity on and off shore; and if he will make a statement on the matter. [34662/05]

294. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he proposes to take further initiatives to promote or encourage the production of hydro, wind or bio-energy; and if he will make a statement on the matter. [34706/05]

312. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to AER VII; the discussions he has had with the industry in regard to this; and if he will make a statement on the matter. [34961/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 107, 257, 294 and 312 together.

This Government is actively pursuing policies and programmes to increase the penetration of renewable energy technologies within our energy mix. In December 2003, a bioenergy strategy group, BSG, was established to consider the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion. Membership of the BSG comprised representatives of various Government Departments as well as State agen-

[Mr. N. Dempsey.]

cies in the agriculture and energy sectors and industry representatives.

We are already making progress, particularly in integrating biomass into Ireland's heating infrastructures. The biomass sector has attracted the largest amount of support under Sustainable Energy Ireland's renewable energy research, development and demonstration programme. SEI recently published details of a further funding programme in 2005 for harnessing energy using biomass fed boilers.

This programme also supports research by way of demonstration projects harnessing biofuels and other renewable energy technologies. In addition, in 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a scheme for mineral oil tax relief for biofuels. The scheme was agreed between my Department and the Department of Finance and was launched in April 2005. A total of 34 applications were received under the call for proposals by the closing date and eight projects were awarded excise relief under the scheme. It is anticipated that these projects will deliver 16 million litres of biofuels replacing imported fuel oil, at an estimated cost of excise foregone of €6 million, over a two year period to 2007. The scheme is an initial measure designed to stimulate market development.

Within the electricity market, I announced in April last a fundamental change in support for proven renewable energy technologies in the categories of biomass, hydropower and wind power. I have changed the previous competitive tendering support programme to an open feed-in tariff arrangement. The new programme, commonly referred to as REFIT, will ensure we more than double the amount of renewable energy powered electricity plant connected to the electricity network from 675 megawatts currently to 1,450 MW by 2010.

The initial target is 400 MW to be allocated on a "first come, first served" basis. There is no capacity reserved to any technology and no dedicated offshore wind category. Subject to the capacity provisions, offshore and onshore wind energy projects are free to apply in both the large wind and small wind categories. Offshore project developers will argue that they require a higher support level but this would impose a considerably higher burden on electricity consumers.

Since the initial announcement of the REFIT programme in outline form in April, my Department has been in active consultation with relevant parties. Consultations have been with the Commission for Energy Regulation, prospective developers, electricity suppliers, among others, and the European Commission about the detailed implementation of the new arrangement. In September last detailed draft terms and conditions of the proposed REFIT programme were posted on my Department's website, www.dcmnr.gov.ie. Interested parties were given

the opportunity to raise any queries or to furnish any observations on the proposals, to be delivered to my Department by 12 October last.

Approximately 30 submissions were received. Those submissions have been evaluated and incorporated into the REFIT programme where appropriate. The draft document is currently out to legal advice and will be published as soon as legal approval is received and after the practical arrangements to print and make available the detailed notes are completed.

These current programmes will continue, and be expanded where appropriate, to ensure the contribution from renewable energy technologies to increasing the security of our energy supplies, lowering emissions, providing a basis for increased economic activity in the national market and potentially providing a source of low cost energy to the electricity, heat and transport markets is maximised.

Postal Services.

108. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the source of information he used for the briefing document he circulated regarding the An Post dispute. [34543/05]

172. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he is satisfied that the briefing document he circulated to backbenchers on the An Post dispute represents a fair assessment of the situation. [34542/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 108 and 172 together.

Deputies will be aware that a briefing note was circulated in respect of the proposed industrial action by CWU workers in An Post. This document was circulated as I felt it important that Deputies be informed of the background and the facts relating to the industrial relations climate in An Post. The briefing note included information on the background to the current industrial relations position, the commitment of the Government to An Post continuing to be a strong player in the Irish postal market, the intensive industrial relations process that has taken place to date, examples of work practices that need to be changed within the company and examples of change agreements in the company over the last few years which have been paid for and not delivered.

As is the usual practice across the public service, officials in my Department prepared the briefing note based on information, some of which was obtained from the company and some of which was already in the Department. This is the normal practice in any public body for collating briefing documents of this nature. The briefing document that was circulated outlines the facts as they are and provides examples of the

outdated work practices that are in existence in An Post. As I have stated on many occasions, for An Post to survive and prosper into the future it must become an efficient and effective company.

Proposed Legislation.

109. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the stage his Department's work is at regarding the Electronic Communications Bill; and if he will make a statement on the matter. [34350/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Draft legislative proposals for an Electronic Communications (Miscellaneous Provisions) Bill are currently under preparation in my Department to enhance the enforcement powers of the Commission for Communications Regulation, ComReg, in a number of areas. This Bill is a priority for me in the communications area and the enforcement powers are key.

The Bill will mainly provide that non-compliance with obligations under the regulatory package transposed in 2003 will be rendered subject to summary or indictable penalties as appropriate and will accordingly increase ComReg's enforcement powers in this and other respects. It is envisaged that this legislation, with both civil and criminal remedies, will give ComReg the necessary muscle to enforce regulatory decisions to support the development of competition in the telecoms market.

Other elements of the Bill include, *inter alia*, provisions to specifically address ComReg's power to effectively intervene in an instance of suspected overcharging by an authorised operator and provisions relating to the oversight of the Irish domain registry, more commonly known as the IEDR. I hope to bring these legislative proposals to Government shortly.

Telecommunications Services.

110. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if he directly or through the regulator has examined the implications for the customer arising from recent or proposed takeovers or mergers in the telecommunications area, both landline and wireless; and if he will make a statement on the matter. [34509/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter. Any proposals by a commercial operator, in a fully liberalised market, to acquire or merge with another company is a commercial decision for the company.

111. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources if a test exists to evaluate or compare the cost of telecommunications services generally here with those available in other European countries, with

particular reference to ensuring that customers here have access to the widest degree of up-to-date modern services in line with developments elsewhere in Europe and worldwide; and if he will make a statement on the matter. [34503/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regulating of pricing for telecommunications services. The regulation of telecommunications operators, including regulating of pricing for telecommunications services, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations which transpose the EU regulatory framework for electronic communications.

The provision of telecommunications services is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation. As Minister for Communications, Marine and Natural Resources, I have responsibility for overall telecoms policy. My main goal in this policy is to create conditions for sustainable growth and competition that will benefit the economic and social development of Ireland and facilitate competitive services.

It is my belief that improving the market conditions to enhance competition is the best way to drive down charges to the end user. The more competitive telecoms services that are on offer, the better in the long run for consumers, the sector and the economy. In March 2004 my predecessor issued policy directions to ComReg, including a direction on competition. The direction on competition mandates ComReg to focus on competition as a key objective, with a particular focus on competition in the fixed and mobile markets, and to implement, where necessary, remedies which counteract or remove barriers to entry and support entry by new players to the market and entry into new sectors by existing players.

ComReg has as one of its key objectives under the Communications Regulation Act 2002 the promotion of competition in the exercise of its functions. Competition in the fixed and mobile markets will drive down prices for consumers. I understand that ComReg has recently launched a new website called *callcost.ie*, which will allow consumers to compare mobile phone charges across all operators. As Minister with overall responsibility for the development of electronic communications services, I welcome the launch of this site, which should make it easier for consumers to shop around and make informed decisions.

The high penetration rate of 94% for mobile phones, representing 3.83 million subscribers, and the recent roll out of 3G services in addition to the existing mobile phones demonstrates that

[Mr. N. Dempsey.]

there is a wide range of choice for Irish businesses and citizens.

Postal Services.

112. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the way in which he can have a positive role in ending the dispute in An Post in view of his public pronouncements regarding same. [34544/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): An Post has been through one of the most intensive industrial relations processes imaginable. At this stage, the dispute at An Post has been before every industrial relations body that the State has to offer.

Following the 14 day notice of industrial action served on the company by the CWU, which expired on Friday, 4 November, the national implementation body, NIB, at my request, has engaged with both sides to the dispute in An Post and is aware that there are significant differences of understanding between the parties regarding the cost and implications of amendments proposed by the union to changes in the collection and delivery sector recommendations made by the Labour Court in July this year. The NIB considered that clarifications of the costs and implications of the proposed union amendments are essential to facilitating a resolution of the dispute. On this basis the NIB has secured the assistance of a firm of accountants to carry out an independent examination into how much it would cost the company to accede to the union's amendments.

In light of the developments in the NIB, the CWU agreed to a request by the NIB to defer industrial action until the examination has taken place. The industrial action which took place on Monday, 7 November last, the national overtime ban and the strike at the GPO, have been called off. I consider this to be a positive step in the current climate.

The NIB met yesterday with the management side and the CWU and has indicated that the process initiated in conjunction with the accountants would be finalised today. The NIB proposes to meet with the parties this evening and has requested that the parties refrain from comment and treat the accountant's report as confidential for a period of 24 hours after it is presented.

I have taken a very even handed approach throughout the dispute and have met with all parties, including the chairperson, the board, the management and the unions, at key intervals so as to be informed of the critical issues on both sides. The simple fact is that the company needs to introduce modern work practices if it is to thrive in a competitive environment. I want to see An Post, an Irish company, delivering a high quality postal service to the Irish people. To

enable the company to provide this service, the archaic work practices, that the workers themselves have acknowledged are archaic, need to be changed.

No blame is being placed on one side or the other. I have stated the facts as they are and the history in An Post over the last ten years has not been great. I now hope that both parties take the opportunity afforded to them through the NIB to resolve outstanding issues. Business and consumers are entitled to the high quality postal service which the company and its employees are well capable of delivering.

Telecommunications Services.

113. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the discussions which have taken place between his Department, other State, semi-State or private sector interests with a view to the provision of State controlled communications services, such as fixed line or mobile phone technology and broadband services; and if he will make a statement on the matter. [34521/05]

134. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with potential service providers with a view to the creation of a State of semi-State communications service with particular reference to mobile, fixed line or wireless technology; and if he will make a statement on the matter. [34520/05]

160. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the ESB, Iarnród Éireann or other bodies or agencies with a view to expanding the scope and scale of telecommunications services countrywide; and if he will make a statement on the matter. [34511/05]

179. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position regarding reports that his Department is examining proposals for a new publicly owned telecommunications company involving the ESB, Iarnród Éireann and RTE and their backbone and backhaul assets; when the consultants report on these proposals and broadband penetration is expected; if a special project in this regard is being pursued; and if he will make a statement on the matter. [34446/05]

276. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the ESB, Iarnród Éireann or other bodies or agencies with a view to expanding the scope and scale of telecommunications services countrywide; and if he will make a statement on the matter. [34682/05]

284. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

if he has had discussions with potential service providers with a view to the creation of a State or semi-State communications service with particular reference to mobile, fixed line or wireless technology; and if he will make a statement on the matter. [34691/05]

285. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the discussions which have taken place between his Department and other State or semi-State or private sector interests with a view to the provision of State controlled communications services, such as fixed line or mobile phone technology and broadband services; and if he will make a statement on the matter. [34692/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 113, 134, 160, 179, 276, 284 and 285 together.

My Department regularly reviews all aspects of the broadband market and holds discussions with broadband interest groups, both public and private, to listen to their concerns. These discussions are ongoing, occasionally involving the State bodies referred to by the Deputies, and typically cover a range of issues relevant to broadband supply and demand nationally.

The Government is addressing the local infrastructure deficit by building high speed open access metropolitan area networks, MANs, in 120 towns and cities nationwide, on a phased basis in association with the local and regional authorities. Phase one of this programme has delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget. This programme has been extended to a further 90 towns in various locations nationwide. Design and procurement has already commenced in several regions and construction is due to start early in 2006. It is expected that these MANs will be completed during 2006 and 2007. These metropolitan area networks will allow the private sector to offer world class broadband services at competitive costs.

In June 2004, the contract for management of the Government and local authority regional metropolitan broadband networks was awarded to E-Net, a company based in Limerick. The term of the contract is 15 years. E-Net operates as a wholesaler of access to the MANs and offers a full suite of products, including ducting, sub-ducting, dark fibre, high level managed capacity, collocation facilities and relevant auxiliary services. During the summer, e-Net issued a request for information, RFI, to interested parties inviting them to propose possible solutions for the provision of interconnect services from the MANs. I understand that E-Net is currently examining the responses received.

My Department also offers funding assistance for smaller towns and rural communities to become self sufficient in broadband through the county and group broadband scheme. The

scheme is technology neutral, allowing the community to select the most suitable broadband delivery platform for the area, with each application being assessed by the Department's technical advisers. To date, over 150 projects have been approved for funding under this programme.

A joint industry/Government fund of €18 million has been established for the broadband for schools programme, which will provide every school in the country with broadband by the beginning of 2006. This is a crucial strand in the strategy of integrating ICT into teaching and learning and the Department of Communications, Marine and Natural Resources' wider vision of promoting the use of broadband technologies in local communities around the country. The construction/installation phase is now under way and the project is on target for completion within the set timeframe.

The Irish Government believes that broadband connectivity forms a significant part of ICT development. High speed, resilient, low cost broadband is an essential feedstock for that sector. It has, and will continue to play, a vital role in moving Ireland to the forefront of knowledge based economies in the world.

Prospecting Licences.

114. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources the changes he is planning to make to the licensing and regulatory regime for the exploration and exploitation of natural resources here; and if he will make a statement on the matter. [34340/05]

183. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources his proposals to alter the terms and conditions under which companies are granted oil and gas exploration licences; and if he will make a statement on the matter. [34474/05]

310. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to review the conditions regarding the exploration on or off shore in respect of oil or gas or other minerals with a view to ensuring a fair return to the State from such resources; and if he will make a statement on the matter. [34958/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 114, 183 and 310 together.

The terms governing petroleum exploration and development are kept under constant review by my Department. These terms are designed to encourage interest, exploration and development. Unfortunately, prospectivity in the Irish offshore is low, as four successful exploration wells out of 121 wells over 34 years demonstrates, and operating conditions are difficult. The challenge, therefore, is to balance the risks involved in petroleum exploration with any benefits which would accrue where a commercial find is made.

[Mr. N. Dempsey.]

Whether we like it or not, Irish offshore prospectivity is not comparable with our petroleum producing neighbours. Until this situation changes, it would be unwise to reform the terms at this time.

I do intend, however, to introduce Bills to update the legislation governing petroleum exploration and development, namely the Petroleum and Other Minerals Development Act 1960 and The Continental Shelf Act 1968. With regard to non-petroleum minerals, exploration and development is undertaken by private enterprise and regulated under the Minerals Development Acts 1940 to 1999. All extraction of minerals under the Acts is subject to payment of royalties to the State. While it is my intention to consolidate and update those Acts in a new Minerals Development Bill currently in preparation, I do not propose to change that policy.

Television Reception.

115. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if, further to his reply to this Deputy in Dáil Éireann on 20 April 2005 when he undertook personally to follow up the issue of RTE reception in Britain, he will report on the proposals he has made in this regard; and if he will make a statement on the matter. [30007/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): RTE's mandate to provide radio and television services is defined in section 28(1) of the Broadcasting Act 2001. This Act states that the national television and sound broadcasting services required to be maintained by RTE shall have the character of a public service, continue to be a free-to-air service and to be made available, in so far as is reasonably practicable, to the whole community on the island of Ireland. RTE's statutory mandate is quite clear in that RTE is mandated to make its services accessible to all of the people living on the island of Ireland.

While RTE's mandate does not extend to making its services available to Irish communities living abroad, RTE has acted in a number of ways that have resulted in its radio or television services being more widely accessible: for example, RTE's long wave and medium wave radio services are available throughout much of the UK and parts of Europe. All of RTE's radio services along with some of its television schedules can also be accessed on-line.

I recognise the value to the Irish abroad of being able to access Irish radio and television services. In the broadcasting Bill being prepared, I am considering how RTE's public service mandate needs to be amended to ensure it remains appropriate and relevant to the needs of the audience as the digital only era approaches. I am committed to considering the recommendations of the task force on emigrants in that context.

Telecommunications Services.

116. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources his views on whether the provision of broadband facilities for 2005 is unlikely to meet the targets he set; and if he will make a statement on the matter. [34502/05]

151. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources when he expects Ireland to hit the EU average for broadband penetration in view of the recent OECD statistics on broadband penetration that ranks Ireland 24 out of 30 states; when Ireland will enter the top EU decile for broadband; and if he will make a statement on the matter. [34366/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 116 and 151 together.

In late 2004, the Government set a target of 400,000 broadband subscribers to be achieved by the end of 2006. Subsequently, broadband subscriber numbers have grown by 75%. The current rate of new take up for broadband is in the region of 10,000 per month and continues to grow across a range of technologies. The Government's broadband target is to be within the top half of EU countries by the end of 2007.

The rate of increase in broadband numbers actually achieved depends on demand for broadband, supply issues relating to current roll out and technological developments. The latest available broadband figures from EUROSTAT relate to 2004, and are now over six months old. They show, however, that Ireland is placed 20th of 26 countries in respect of broadband connections for all enterprises. The figure in respect of large enterprises is 79%, placing Ireland in 16th place. EUROSTAT also reports that 92% of all Irish enterprises have access to the Internet, which is 9th in the table, while for large enterprises the figure for Internet access is 100%.

The level of Internet access for households is 40%, or 11th place in the table, and about 25% of these have a broadband connection. The number of broadband customers in Ireland is increasing rapidly and is now over 170,000, which represents an increase of more than 400% over the January 2004 figure. In 2004, there were over 80 Internet service providers; today there are over 130 companies listed by ComReg, with at least 45 different broadband offerings across a variety of technologies, including DSL, fibre, cable, leased lines and satellite technology. In essence, there are broadband technologies that can deliver broadband to virtually any broadband customer in Ireland right now.

The ranking of Ireland against other European countries reflects the late launch of competitive, affordable broadband by the private broadband service providers in Ireland and the slow take up by consumers.

Alternative Energy Projects.

117. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if he has had any discussions with his European colleagues with a view to more emphasis on the development and production of alternative energy; and if he will make a statement on the matter. [34479/05]

246. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had any discussions with his European colleagues with a view to more emphasis on the development and production of alternative energy; and if he will make a statement on the matter. [34650/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 117 and 246 together.

The promotion of renewable energy technologies in electricity production is a key priority of this Government. This priority is shared by EU Community institutions which have addressed a directive in the matter to all member states, Directive 2001/77/EC on the promotion of renewable energy sources in the internal electricity market. There was a full exchange of views within the Council and between Council and Parliament in the formation of this directive and subsequently, when appropriate, on the ongoing implementation of the directive.

My Department and I continue to have both formal and informal discussion on this and other issues from time to time at EU level when it is appropriate.

Postal Services.

118. **Mr. English** asked the Minister for Communications, Marine and Natural Resources his views on whether his threat to privatise the postal services was helpful in the context of negotiations between An Post, management and workforce; and if he will make a statement on the matter. [34513/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have made no announcements, nor do I have any proposals, regarding the privatisation of An Post and I wish to see An Post continue in State ownership playing a significant role in the Irish postal sector.

I have however, highlighted to the company, the unions and consumers that the EU postal directives, transposed into Irish law, envisage full liberalisation, subject to political agreement, of the postal market in 2009. Furthermore, in light of the uncertainty at the company and the recent vote for industrial action which could lead to a serious disruption to postal services, I am considering all options open to me, up to and including early liberalisation of the sector, to limit the disruption caused to the sector and the economy

at large as a result of any prolonged period of industrial action.

Electricity Generation.

119. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he has given recent direction to the regulator with a view to improving access to the grid with particular reference to cost; and if he will make a statement on the matter. [34496/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function regarding national grid access, which is primarily a matter for ESB National Grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999 and I have no power to issue directions of the type referred to.

120. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has identified the optimum number and location of gas and electricity connectors; and if he will make a statement on the matter. [34491/05]

168. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources when he expects gas and electricity connectors to be provided in such a way as to protect continuity and security of supply; and if he will make a statement on the matter. [34493/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 120 and 168 together.

At a bilateral meeting in November 2004, Mr. Barry Gardiner, MP, the then Northern Ireland Minister for Enterprise, Trade and Investment, and I endorsed plans put forward by the Commission for Energy Regulation, CER, and the Northern Ireland Authority for Energy Regulation for the construction of a second North-South electricity interconnector. Planning for the construction of the interconnector is continuing. The transmission system operators are currently working on phase I of the project, including technical issues and route selection. This phase is likely to be completed by early 2007. Phase II, the construction phase, will then commence and it is estimated that the interconnector will be operational by 2012. The proposed interconnector will provide increased system security and reliability. It will be a positive step toward further developing competition and will facilitate the development of a fully functioning single electricity market.

With regard to the east-west electricity interconnector, the CER appointed consultants to advise on the financial, technical, commercial and procurement aspects of the development. I understand that phase one of the project, which is now complete, examined procurement options,

[Mr. N. Dempsey.]

routing, capacity, ownership and operational parameters and the results will be presented to me shortly. A consultation process was undertaken with all parties who expressed an interest. A decision on how best to take the project forward, whether on a regulated or a hybrid regulated/merchant basis, is the next step and such determination will be informed by the advice of the CER in the matter. I expect the CER to report to me in the coming weeks.

In recent times, Ireland has developed a high standard of security of gas supply, through robust interconnection with the UK, to ensure sufficient importation capacity from external sources. We now have two gas interconnectors, with the second ensuring security of gas supply to 2025 and beyond. Ireland's security of supply status is on par with countries such as France, Italy, Sweden and Denmark, all of whom have duplicated sub-sea pipelines to ensure the availability of alternative routes of natural gas supply. In addition, Northern Ireland has a separate line to Scotland and by the end of 2006 the South-North interconnector will link the two systems.

Under section 19 of the Gas (Interim) (Regulation) Act 2002, the Commission for Energy Regulation, CER, is required to prepare and publish an annual forecast of capacity, flows and customer demand on Ireland's natural gas system over a seven year period. The most recent capacity statement was published on 31 July 2005 and includes a range of possible demand scenarios that may be expected to arise over the coming years. The scenarios incorporate various levels of demand, based on forecasts for the domestic, industrial and commercial, and power generation sectors, while also considering potential timeframes for new indigenous supply.

Natural Gas Grid.

121. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources if he envisages any changes in regard to the bringing ashore or storage in respect of the Corrib gas field; if he expects that the surrounding regions are likely to receive an extended or improved service in respect of gas supplies to the industrial or domestic sector in the region; and if he will make a statement on the matter. [34500/05]

132. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the progress to date in 2005 on the issues surrounding the Corrib gas pipeline; and if he will make a statement on the matter. [34497/05]

149. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the consequences of the EU Seveso directive for the Corrib gas pipeline; if the transposition of this directive will require the production of maps and images; and if he will make a statement on the matter. [34369/05]

178. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the details of the appointment of Mr. Peter Cassells as the mediator for the Corrib gas pipeline dispute; the state of play with the Corrib gas pipeline development especially relating to the safety audit and mediation; when an agreed resolution will allow the project to proceed; and if he will make a statement on the matter. [34343/05]

182. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources the progress in respect of the degree to which the mediator has been successful in dealing with the issues surrounding the Corrib gas pipeline; and if he will make a statement on the matter. [34499/05]

194. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the company or companies involved in the provision of services associated with the Corrib gas pipeline or local interests; and if he will make a statement on the matter. [34498/05]

263. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress to date on the issues surrounding the Corrib gas pipeline; and if he will make a statement on the matter. [34668/05]

264. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussions with the company or companies involved in the provision of services associated with the Corrib gas pipeline or local interests; and if he will make a statement on the matter. [34669/05]

265. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress in respect of the degree to which the mediator has been successful in dealing with the issues surrounding the Corrib gas pipeline; and if he will make a statement on the matter. [34670/05]

266. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he envisages any changes in regard to the bringing ashore or storage in respect of the Corrib gas field; if he expects that the surrounding regions are likely to receive an extended or improved service in respect of gas supplies to the industrial or domestic sector in the region; and if he will make a statement on the matter. [34671/05]

301. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will report on progress in respect of the issues associated with the Corrib gas pipeline; when the mediator expects to achieve resolution;

and if he will make a statement on the matter. [34948/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 121, 132, 149, 178, 182, 194, 263, 264, 265, 266 and 301 together.

In August 2005 I appointed Advantica consultants to conduct a comprehensive health and safety review of the proposed Corrib gas onshore pipeline. This study currently under way is in addition to the comprehensive assessment undertaken both within the Department and by an independent pipeline consultant of the original proposals that were submitted to my predecessor in connection with the application for consent to construct a pipeline. The current review includes an examination of all relevant documentation relating to the design, construction and operation of the onshore upstream section of the pipeline and associated facilities. It will also identify any deficiencies in any respect relating to these matters and make recommendations regarding them.

The review also included a public consultation process and a two day public hearing. The public hearing concluded on 13 October 2005 and the consultation process concluded on 28 October 2005. I expect to receive a draft of the independent safety review from the consultants by the end of the month.

On 29 October I appointed Mr. Peter Cassells as mediator in the Corrib gas field dispute. Mr. Cassells was former general secretary of the Irish Congress of Trade Unions from 1989 to 2001 and was one of the main architects of the social partnership agreements. He is currently chairperson of the national centre for partnership and performance. I am hopeful that the mediation process currently under way, augmented as needed by the results of the safety review, will allow all those concerned to work together to resolve the difficulties that have arisen. I will, in due course, receive a report from Mr. Cassells on progress. The mediator will have the discretion to engage in discussions with other relevant persons or bodies, including local interests and companies involved in the provision of services, as he sees fit.

The transposition of any amendments to the Seveso directive into Irish law is a matter for the Minister for Enterprise, Trade and Employment. The Corrib gas pipeline is not subject to the provisions of the Seveso directive. The Corrib terminal at Bellinaboy is classified as a lower tier Seveso site on the basis of the Seveso thresholds and thereby must comply with all the relevant lower tier Seveso directive requirements. Under the European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations, the developer is required to have a major accident prevention policy in place. The major accident prevention policy is implemented through the development

of a safety management system for the facility. This requirement is outlined in the regulations.

The supply of gas to the industrial or domestic sectors in the region falls within the remit of Bord Gáis Éireann and the Commission for Energy Regulation, CER.

Proposed Legislation.

122. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources the stage his Department's work is at regarding the Energy (Miscellaneous Provisions) Bill; the way in which he intends to expand the functions of CER in the Bill; and if he will make a statement on the matter. [34352/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Energy (Miscellaneous Provisions) Bill is currently being drafted by the Parliamentary Counsel. I expect to seek Government approval to publish the Bill shortly. With regard to the CER, the Bill will expand the commission's functions to underpin its work on the development of an all-island energy market, provide for the regulation of the electrical and gas contracting sectors and safety regulation of all gas licence holders in the State, and facilitate regulated interconnection not owned by ESB.

EU Directives.

123. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the Government's position on the television without frontiers directive from the European Commission; his plans regarding an assessment of the costs and benefits of regulating content delivered over non-broadcast platforms; and if he will make a statement on the matter. [34341/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The review by the European Commission of the television without frontiers directive is ongoing and the Commission's proposals for a revision of the directive are not expected until 2006. Until such time as the Commission has made a formal proposal for a revision of the directive, it would be premature to address the matters raised by the Deputy. I expect, however, that before making any proposal to extend the scope of the directive, the Commission would conduct a regulatory impact assessment of its proposals.

Telecommunications Services.

124. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the Government's position on the current negotiations for the future of Internet governance and the existence of ICANN; if he will be attending the world summit on the information society in Tunis in November 2005; and if he will make a statement on the matter. [34353/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Internet governance is one of the main issues that is scheduled to be discussed at the forthcoming world summit on the information society, WSIS, in Tunis. At the first world summit in Geneva, in December 2003, the UN Secretary General Kofi Annan requested that a working group be set up to look at Internet governance. While the working group published its report in July 2005, there remain a number of outstanding issues that need to be addressed. These issues were further discussed in a preparatory conference in Geneva that ended on Friday, 30 September.

As there is no agreed position across the United Nations on Internet governance, a short pre-summit meeting immediately prior to the summit is scheduled in the hope that there will be an agreed position that can be endorsed by the summit. I will be represented at the conference by the Secretary General of my Department.

Departmental Policy.

125. **Mr. English** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of broadcasting, telecommunications or other utility services for which his Department has overall responsibility; if the issue of the public and private mix in this area will be dealt with; and if he will make a statement on the matter. [34512/05]

277. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future development of broadcasting, telecommunications or other utility services for which his Department has overall responsibility; if the issue of the public and private mix in this area will be dealt with; and if he will make a statement on the matter. [34683/05]

313. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the specific areas in which deregulation or competition has benefitted the consumer in respect of services provided by the various service providers accountable to his Department through the regulator or directly; and if he will make a statement on the matter. [34962/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 125, 277 and 313 together.

My Department's Statement of Strategy 2005-2007 sets out goals, objectives, strategies and performance indicators relevant to the development of broadcasting, telecommunications and other utility services for which my Department has overall responsibility. The statement of strategy gives particular focus to strategies to enhance governance and regulation, and sets out the context in which developments in the private and

public sectors will be managed under each sectoral heading.

The principal areas in which deregulation has applied to service providers operating under the aegis of my Department are: electricity, gas, broadcasting, telecoms and postal services. The principal benefits accruing to consumers in respect of these services include, where appropriate, broader service choices, greater long-term supply security; clearer investment conditions and price adjustments which are restricted to those justified by cost developments.

Fisheries Protection.

126. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if a scheme for the voluntary buying out of drift or draft net salmon fishing licences will be considered; and if he will make a statement on the matter. [34473/05]

156. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the arrangements he intends putting in place to negotiate a possible future compensation package for the fishermen who agree to the cessation of commercial netting for wild salmon; if compensation was paid to commercial fishermen affected by the ending of the drift netting for tuna fish; and the effect such a precedent has in regard to the salmon fishery. [34541/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 126 and 156 together.

The Government has consistently ruled out buy out as an effective means of achieving the restoration of salmon stocks and has instead, since 2002, promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy out of commercial salmon licences or why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase.

As a result, and as I have previously and consistently indicated to the House, I have no plans at present to introduce a buy out of commercial salmon fishing licences but I am continuing to review the matter in the context of the policy outlined above. In this regard, I have indicated that I would be open to any relevant proposals presented to me whereby stakeholders benefiting from any reduction in commercial catch would engage in the first instance with licence holders and indicate a willingness to address any compensation issues that might arise.

I can confirm that I have referred the broad outline proposals, which were submitted to me

recently, to the National Salmon Commission for an objective evaluation in accordance with its terms of reference in the overall context of conservation management measures designed to achieve the alignment of national and district total allowable catches and quotas. I await its advice in this regard. Since taking up my appointment as Minister of State with responsibility for the marine, I have reaffirmed the Government's belief that the current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice holds out the strong prospect of a recovery of stocks and of a long-term sustainable fishery for both sectors.

The decision of the Council of Fisheries Ministers to ban drift netting for tuna did not amount to the ending of the tuna fishery. During a phase out period between 1998 and 2002, and as part of the transition process to new methods of fishing for tuna, Bord Iascaigh Mhara provided support to interested fishermen to develop alternative fishing techniques. The results of trials undertaken in this regard have shown that it is possible to catch tuna with non-drift netting techniques and in these circumstances the question of compensation did not arise.

Marine Safety.

127. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the action which he intends to take following the situation where 13 periwinkle pickers were left stranded on Colt Island; if an inspector from his Department has inspected the boat which took the group to the island; if the boat in question has a correct marine passenger licence; the restrictions which are in place regarding those who can be granted passenger licences for boats; the way in which these restrictions are policed; the clearance that is required to take boats to islands such as Colt Island; and if he will make a statement on the matter. [34377/05]

147. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the role of his Department in the recent incident of migrant workers being abandoned on Colt Island off north County Dublin; if a date has been set for the provision of an emergency towing vehicle to protect mariners around the Irish coast; and if he will make a statement on the matter. [34357/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 127 and 147 together.

The Department's specific role in the incident involving a group of people found stranded on an island off the coast of Skerries, County Dublin, was twofold. The first priority was to ensure that rescue services answered the emergency call and brought the persons safely to shore. This oper-

ation was carried out successfully and, thankfully, without any loss of life. I also immediately initiated an investigation into this incident to determine if the vessel used to transport the people to the island was certified or licensed in compliance with the relevant maritime safety legislation. The maritime safety directorate of the Department is currently carrying out this investigation and I cannot comment any further on this matter until the report is completed.

However, it is the Department's policy to prosecute any person who operates a passenger vessel for reward without a valid licence or certificate. A conviction upon indictment in such an instance could result in a fine not exceeding €100,000 or imprisonment for up to two years or both.

While the Department has no involvement with the arrangements and schedules that may exist for boats going to islands such as Colt Island, the Merchant Shipping Act 1992 requires that any vessel used to carry passengers should hold a valid passenger ship certificate or passenger boat licence. The Department issues both passenger ship certificates and passenger boat licences to vessel owners following the completion of a satisfactory survey to ensure that the vessel is seaworthy and safe and that it has the appropriate safety equipment on board. The Department can also impose operational restrictions for safety reasons on vessels and operators specific to local conditions and areas where vessels operate.

Marine surveyors who inspect vessels to ensure that they are complying with the safety standards laid down carry out the enforcement of regulations. The Coast Guard and the Garda also have a role to play in this regard.

Under the certification and licensing regimes, the Department undertakes a variety of control measures, including detailed vessel surveys and unannounced operational inspections. Licence and certificate conditions relating to manning levels, maximum passenger numbers allowed and the continued availability of safety equipment are among the issues the inspectors focus on.

The position regarding the provision of an emergency towing vessel, ETV, is that the Department is continuing to examine how proposals to provide an ETV capacity to protect the coast from the consequences of major oil pollution and vessel stranding can be pursued, having regard in particular to the very significant costs involved and the cost benefits associated with such a facility.

Fisheries Protection.

128. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources the consultation and information his Department transmitted to interested stakeholders before the Fisheries and Marine Jurisdiction Bill appeared before the Joint Committee on Communications, Marine and Natural Resources; the reason no briefing was given to members of the committee

[Mr. Stagg.]

and Opposition spokespersons; and if he will make a statement on the matter. [34371/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The State is responsible for enforcement of the Common Fisheries Policy which requires that the appropriate resources are in place to monitor and control fishing activity and that the necessary legal tools are available to provide for the prosecution of those who are found fishing illegally. The EU Commission monitors compliance by member states with their responsibilities under the CFP. In this regard, Ireland faces seven legal proceedings issued by the Commission for alleged failures in its fisheries control regime.

Article 228 of the treaty allows the Commission to initiate proceedings against a member state to enforce an earlier judgment of the Court of Justice given against the member state under Article 226 for failure to comply with its obligations under the EC treaty. While no such proceedings have been taken against Ireland relating to the implementation of the CFP, it is critical that prompt actions are taken in situations where our ability to implement the CFP is compromised. In this regard, two Supreme Court judgments — *Vincent Browne v the Attorney General* and *Thomas Kennedy v the Attorney General* — have significantly undermined the current legislative framework for enforcement of fisheries legislation.

In this situation it has been necessary for the State to take urgent action to address the serious shortcomings identified in the Acts and a new regulatory framework is required urgently. Delays in the enactment of new legislation expose the State to infringement proceedings which could result in the State being subject to financial fines imposed by the European Court of Justice, which would have to be paid by taxpayers. In this situation, it is critical that the new legislative framework is enacted urgently. It was, therefore, not possible in the time available to undertake a detailed consultation with fishing interests, marine conservationists or other stakeholders on the Bill. In any case, the regulations for fisheries management and conservation are determined at EU level and the provisions of the Bill are primarily implementing these regulations in Irish law.

A detailed explanatory and financial memorandum was provided with the Bill, giving further information on the Supreme Court judgments referred to and the legislation in question, as well as signposting the 1959 Act provisions being updated and replaced by provisions of the Bill. If any further briefing is required by Deputies that can be given before the Committee Stages of the Bill, as was done with the Bill for the 2003 Act.

Broadcasting Services.

129. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources the extent to which he has taken steps to ensure the availability of the widest possible degree of service of a sporting, business, social, cultural and educational nature to a greater audience through terrestrial television; and if he will make a statement on the matter. [34524/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My core broadcasting policy objective is to promote the existence of an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTE. This is likely to be best achieved by having in place an appropriate regulatory framework that provides for the licensing of independent television and radio services and by providing RTE with adequate public funding to deliver on its public service mandate.

Telecommunications Services.

130. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources if he has received indications of DSL failure rate here; and if he will make a statement on the matter. [34485/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no statutory function in this matter.

Alternative Energy Projects.

131. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources if aid will be granted for the provision of equipment for households that are equipped with solar panels to provide energy; and if he will make a statement on the matter. [30408/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is no grant or financial assistance available to single residences for the installation of solar panels. I am reviewing all options for innovative approaches to propagating best practice in cost effective energy provision and use but am not in a position to make any commitments today.

Sustainable Energy Ireland, SEI, which was established as a statutory agency in May 2002, implements a wide variety of programmes on energy efficiency and renewable energy on behalf of my Department. Any increase in funding required for these programmes would have budgetary implications and could only be considered in the light of the overall budgetary requirements of SEI and the level of funding available to my Department.

Under SEI's house of tomorrow research, development and demonstration programme, financial support is directed at encouraging devel-

opers of housing, both new build and refurbishment, to incorporate design and technology features which deliver significantly superior energy and CO2 performance. By targeting developers of schemes of houses, from the private or social housing sectors, the aim has been to establish, over a number of years, a nationwide network of accessible examples of more sustainable energy design and technology practices. With the accompaniment of other promotional measures by SEI, this is intended to encourage a sufficient degree of market replication, without subsidy, to elevate energy performance standards across the wider housing stock. This targeted approach is also designed to be an administratively efficient method for deployment of public moneys.

To date the programme has committed just under €12 million funding to 55 projects comprising a total 2,650 housing units, all featuring an integrated approach to energy supply and use that achieves performance of at least 20% better than current building regulations and, in fact, in the majority of projects, 40% better. The range of sustainable energy technologies employed within these demonstration projects includes the following: condensing boilers — 1,708 homes; solar water heating — 531 homes; heat recovery ventilation — 381 homes; geothermal heating systems — 176 homes; wood pellet boilers — 308 homes.

At the moment, individual consumers can also seek expert advice from SEI's renewable energy information office, REIO. The REIO provides consumers with advice on the optimum renewable energy systems to suit individual requirements and also provides information on low or no cost energy efficient measures.

Question No. 132 answered with Question No. 121.

Electricity Generation.

133. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources his views on recent criticisms by IBEC of the Government dividend that is taken annually from the ESB; the impact of the dividend on electricity prices; and if he will make a statement on the matter. [34342/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of recent comments made by IBEC on dividends of semi-State companies. Decisions on annual dividend payments to shareholders are a matter for the board of ESB in the first instance. ESB operates in a fully liberalised competitive market and it is important that it is treated in all respects, including the dividend issue, as would be the case for its competitors. The determination of electricity prices is a matter for the Commission for Energy Regulation, CER, and not one in which I have a function. I understand there is no direct

link between the CER's decision on prices and the ability of the ESB to pay dividends.

Question No. 134 answered with Question No. 113.

Question No. 135 answered with Question No. 103.

Legislative Programme.

136. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the reason his Department withdrew the Sea Fisheries and Marine Jurisdiction Bill from Second Stage discussion in Dáil Éireann; the changes being made to the original Bill; and if he will make a statement on the matter. [34347/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

The Second Stage consideration of the Sea Fisheries and Maritime Jurisdiction Bill was postponed to allow time to consider issues raised at a meeting of the Oireachtas Joint Committee on Communications, Marine and Natural Resources on 12 October, particularly to seek further advice from the Attorney General on the committee's proposals for the introduction of administrative sanctions to replace the current system of penalties. It was also considered important, in light of the concerns expressed by the committee, to review the provisions in the Bill which allow a sea fishery officer, in certain circumstances, to carry a firearm and to fire a gun at or into the boat.

The Second Stage of the Bill is now planned for tomorrow, 17 November. Any amendments arising, in the context of these issues or others, can be introduced on Committee Stage and, accordingly, should not delay the Bill and its planned adoption by the end of the year.

Fisheries Protection.

137. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the steps he intends to take on the issue of salmon draft and drift netting following the publication of the Joint Committee on Communications; Marine and Natural Resources' report and the recent protest of nearly 4,000 anglers and commercial nets men at the Fianna Fáil Árd Fheis; the person he has consulted to date regarding the report; his views on whether salmon stocks are at such a level that action must be taken; his further views on whether there is massive public opinion in support of a buy out or set aside; and if he will make a statement on the matter. [34376/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

The recently published report by the Joint Committee on Communications, Marine and Natural Resources regarding the future management of the wild salmon resource

[Mr. Gallagher.]

in Ireland has illuminated the various and wide ranging issues surrounding the management of this important natural resource. When addressing the public hearings held by the joint committee in connection with the preparation of its report, I made the point that the management of this natural resource is rarely a simple and straightforward matter. I also reiterated the Government's long held view that our wild salmon stock is a national asset, which must be conserved and protected, as well as being exploited as a resource by all on a shared and sustainable basis.

I am pleased, therefore, to note from the report that the joint committee acknowledges the complexity of this issue and makes "The unequivocal observation that its report must not be seen in terms of winners or losers and that the debate and focus of effort must be on the survival of the salmon species." I will examine carefully the recommendations now being made by the joint committee in its report. Indeed, as an immediate first step, I have already asked the National Salmon Commission to ensure that the joint committee's report receives priority in its consideration on how best the wild salmon resource may be managed, conserved and exploited on a shared and sustainable basis into the future, having regard to Government policy.

I am aware that the joint committee's report contains a recommendation for a move to single stock management and that the committee recognises this would effectively mean a cessation of drift netting for salmon. I note, however, that the committee also recognises that a move to single stock management would take time, cannot be achieved without further and significant scientific input and that a realistic plan needs to be evolved to enable such a move. Wild salmon stocks are under threat from a variety of sources. While there remains an abundance of salmon returning to Irish rivers, the Government has accepted the scientific advice that reductions in the overall fishing effort are required to sustain and rebuild salmon stocks nationwide.

For this reason, current Government policy has been designed to bring spawning escapement up to the level of the scientifically advised conservation limits as soon as possible. In keeping with this policy, when setting the commercial salmon quotas for the 2005 season, I gave a firm commitment to fully align the exploitation of salmon, both at national and district levels, on the scientific advice by 2007. With this in mind, I have now asked the National Salmon Commission to advise me how best to achieve this target. While I remain to be convinced that a move to single stock management would necessarily mean an end to drift netting in all districts, I expect the commission to examine the issue of single stock management and to advise me in this regard.

With regard to compensation issues, I welcome the joint committee's acknowledgement that any compensatory schemes should largely be funded

by those stakeholders who would be the main economic beneficiaries of more salmon being free to return to the rivers. I also welcome its comment that "Public monies spent must have, as a primary aim, ensuring the survival of the salmon species and that this precept must be regarded as more important than any economic gain to any sector that may accrue."

Bearing this principle in mind, the Government has consistently ruled out buy out as an effective means of achieving the restoration of salmon stocks and has instead, since 2002, promoted the application of quotas on commercial fishing and bag limits on angling to achieve catch reductions as the best instrument available to achieve this objective. Moreover, no convincing case has been advanced as to the public good that would be acquired by the State in the context of a publicly funded buy out of commercial salmon licences or why stakeholders benefiting from increased numbers of salmon entering the rivers should not contribute in whole or in part towards achieving that increase.

As a result, and as I have previously and consistently indicated to the House, I have no plans at present to introduce a buy out of commercial salmon fishing licences but I am continuing to review the matter in the context of the policy outlined above. In this regard, I would be open to any relevant proposals presented to me whereby stakeholders benefiting from any reduction in commercial catch would engage in the first instance with licence holders and indicate a willingness to address any compensation issues that might arise.

I can confirm that I have referred the broad outline proposals, which were submitted to me recently, to the National Salmon Commission for an objective evaluation in accordance with its terms of reference in the overall context of conservation management measures designed to achieve the alignment of national and district total allowable catches and quotas. I await its advice in this regard, which I intend to consider in the context of any review of policy.

Question No. 138 answered with Question No. 101.

Broadcasting Services.

139. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the position in regard to his preferred options in respect of public and private broadcasting; and if he will make a statement on the matter. [34495/05]

152. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the way in which he proposes to develop the broadcasting industry in the future with particular reference to the appropriate mix of public and private interest; and if he will make a statement on the matter. [34492/05]

180. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources when he expects to make final decisions in respect of broadcasting in the future; and if he will make a statement on the matter. [34494/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 139, 152 and 180 together.

I refer the Deputy to my reply to Question No. 91 on 12 October 2005.

Telecommunications Services.

140. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the reason mobile telephone services here are more expensive than in almost all European countries; and if he will make a statement on the matter. [34508/05]

142. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources if he will issue a directive to ComReg to regulate mobile phone termination charges; the position of Ireland in the ranking of mobile phone charges across the EU; and if he will make a statement on the matter. [34356/05]

150. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the steps he proposes to take to improve the quality of mobile telephony with particular reference to addressing the needs of call breakdown and costs; and if he will make a statement on the matter. [34506/05]

272. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he proposes to take to improve the quality of mobile telephony with particular reference to addressing the needs of call breakdown and costs; and if he will make a statement on the matter. [34677/05]

273. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason mobile telephone services here are more expensive than in almost all European countries; and if he will make a statement on the matter. [34679/05]

303. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if instructions have been given to, or comment invited from, the regulator or service providers with a view to improving the quality of mobile telephone service here with particular reference to call breakdown or other losses of service; and if he will make a statement on the matter. [34951/05]

304. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when it is expected to bring the quality of the

mobile telephone service here into line with the quality and standards in other European countries; and if he will make a statement on the matter. [34952/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 140, 142, 150, 272, 273, 303 and 304 together.

I have no function in regulating of pricing for phone services, mobile phone termination costs or quality of service in the mobile market. The regulation of telecommunications operators, including regulating of pricing for phone services, mobile phone termination costs and quality of service is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations which transpose the EU regulatory framework for electronic communications.

The provision of telecommunications services is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation, ComReg. I have no information to say that Irish mobile charges are generally the highest in Europe. However, ComReg's quarterly key data for the Irish communications market for the second quarter of 2005 indicate that the Irish mobile operators' average revenue per user is the second highest in Europe; Switzerland has the highest.

141. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if he has had discussions, taken initiatives, issued directives or received information from persons charged with the responsibility of the provision of broadband services here with a view to a dramatic acceleration in the provision of such facilities in line with his previously announced projections and in line with the provision and availability of such services in other European countries; and if he will make a statement on the matter. [34518/05]

153. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources if he has received submissions from the public or private sector with regard to the provision of telecommunications services in the future; and if he will make a statement on the matter. [34522/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 141 and 153 together.

The provision of telecommunications, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation, ComReg. ComReg's register of authorised undertakings currently lists no less than 196 companies

[Mr. N. Dempsey.]

offering Internet access services in Ireland with a wide variety of service levels.

My Department regularly reviews all aspects of the broadband market and holds discussions with broadband interest groups, both public and private, to listen to their concerns. These discussions are ongoing and look at all options over a range of issues regarding broadband supply and demand. A set of policy directions was issued to ComReg in March 2004. It included a direction on broadband, which encouraged ComReg to use regulatory and other means available to it to stimulate the broadband market. ComReg reports regularly to me on the implementation of these directions.

The rate of broadband uptake is dependent on access by the service providers to suitable infrastructure across the regions. My Department is addressing the infrastructure deficit, in co-operation with the local and regional authorities, through the regional broadband programme, by building high speed open access fibre based metropolitan area networks, MANs, in 120 towns and cities nationwide, using European Regional Development Fund, ERDF, and Government funding under the National Development Plan 2000-2006.

Funding is also available for smaller towns and rural communities to become self sufficient in broadband through the county and group broadband scheme. The scheme is technology neutral, allowing the community to select the most suitable broadband delivery platform for the area. The construction and install action is also under way in the joint industry/Government funded broadband for schools programme. A sum of €18 million has been provided for this scheme, which will provide every school in the country with broadband by the beginning of 2006.

In late 2004, the Government set a target of 400,000 broadband subscribers to be achieved by the end of 2006. Subsequently, broadband subscriber numbers have grown by 75%. The current take up for broadband is in the region of 10,000 per month and continues to grow across a range of technologies. The Government's broadband target is to be within the top half of EU countries by the end of 2007. The current ranking of Ireland against other European countries reflects the late launch of competitive, affordable broadband by private broadband service providers in Ireland and a slow take up by consumers.

However, Ireland's rating is improving. According to recent EU Internet statistics there are over 2 million Internet users in Ireland. This represents user growth of 163% in the last four years and a market penetration per population of 51.2%, which compares favourably with the EU average of 48.9%. Irish broadband prices are now below the EU average and this should have the effect of further stimulating demand.

Question No. 142 answered with Question No. 140.

143. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the provision of flat rate dial up Internet access services to Internet users here as directed by his Department to ComReg in February 2003; and if he will make a statement on the matter. [34365/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Flat rate Internet access caller origination, FRIACO, was introduced in June 2003, following a policy direction issued to the Commission for Communications Regulation by my predecessor. I understand that there are approximately 100,000 customers using FRIACO at present.

Broadcasting Services.

144. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources if the European Rugby Cup competition will continue to be televised free to air; and if he will make a statement on the matter. [34277/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The question of whether the Heineken European Rugby Cup competition is televised is in the first instance a matter for the organisers of the event together with interested broadcasters. Where the event is to be televised it is again a matter for the organisers of the event and the relevant broadcaster or broadcasters to determine whether the event is broadcast live, in full and whether it will be broadcast on a free television service or on a subscription service. I have no function in these matters.

The Broadcasting (Major Events Television Coverage) Act 1999 (Designation of Major Events) Order 2003 designates a number of sporting events as events of major importance to society which should, in the public interest, continue to be made available on free-to-air television services in Ireland. The Heineken European Rugby Cup competition has not been designated under the Act.

Alternative Energy Projects.

145. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources further to the recent plans in the UK for a bio-fuels obligation for all diesel and petrol providers his plans for a similar initiative here; and if he will make a statement on the matter. [34346/05]

146. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources his plans to reduce the use of high emission fuels with a view to compliance with Kyoto targets; and if he will make a statement on the matter. [34486/05]

169. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources

the reason this country's development and production of alternative fuels has not kept pace with those throughout Europe which seem to have made rapid progress; and if he will make a statement on the matter. [34478/05]

245. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason this country's development and production of alternative fuels has not kept pace with those throughout Europe which seem to have made rapid progress; and if he will make a statement on the matter. [34649/05]

252. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to reduce the use of high emission fuels with a view to compliance with Kyoto targets; and if he will make a statement on the matter. [34657/05]

253. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to encourage the production and use of low emission fuels; and if he will make a statement on the matter. [34658/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 145, 166, 169, 245, 252 and 253 together.

The EC biofuels directive sets indicative targets of 2% market penetration for biofuels by end 2005. The targets in the directive are indicative and not mandatory. Ireland is starting from a very low current production base and the 2% target therefore represents a considerable challenge. Market penetration of biofuels is also low in many other EU member states. Only ten member states have identified targets of 2% or more for 2005. A further seven member states, including Ireland, have identified targets lower than 2% and the targets of the remaining eight member states are unclear.

The targets achievable for biofuel production and distribution in Ireland depend on a variety of factors, including availability and end-use of agricultural land and the levels of indigenously sourced or imported feedstock or biofuels. In August 2005, eight projects were awarded excise relief under the biofuels mineral oil tax scheme, which was provided for in the 2004 Finance Act. Excise relief of €6 million will be allowed for these projects over a two year period to 2007. It is anticipated that this will result in 16 million litres of biofuels replacing imports on the Irish transport market during that period. The scheme is an initial measure designed to stimulate market development and I am in discussions with the Minister for Finance about the possibility for upscaling the scheme.

Under SEI's renewable energy research, development and demonstration, RERD&D, programme capital grant aid is also available for biofuels market demonstration projects in the

pure plant oil, biodiesel and bioethanol categories. Funding of almost €250,000 has already been awarded to support engine modifications of up to 100 vehicles and provide plant and monitoring equipment. In addition, SEI has provided grant aid of €40,000 to Teagasc for a study to establish oil quality testing procedures for pure plant oil. This study will be critical to building market confidence. Funding has also been provided for the publication of a resource study on recovered vegetable oil and animal fats and study on quality assurance for rapeseed oil as a vehicle fuel.

An interdepartmental biofuels group was established in 2004 to consider policy options for the development of the biofuels market and to consider these options from the perspectives of the sectors or interest represented by each Department. It comprises representatives from my Department, the Departments of the Environment, Heritage and Local Government, Finance, Transport, Agriculture and Food and SEI.

As part of its work, the group commissioned a "Liquid Biofuels Strategy Study for Ireland", which was published in December 2004. The report is being considered as part of the overall policy objective to increase market penetration of biofuels in Ireland. The report suggests that excise relief is the most effective short-term measure to stimulate the market but that other policy initiatives, such as a renewables obligation, might be more beneficial in the longer term. A more detailed study on policy options for development of a biofuels market, including the possibility of a renewables obligation, has recently been commissioned. The study is being overseen by a steering group comprising all members of the interdepartmental biofuels group.

I will be following the UK developments closely but I am aware that any obligation in the UK may not commence until 2008. The national climate change strategy sets out the strategies and targets for meeting Ireland's Kyoto commitments. Implementation of transport initiatives in the national climate change strategy is a matter for my colleague, the Minister for Transport. My colleague, the Minister for the Environment, Heritage and Local Government, has lead responsibility for Government policy on meeting Ireland's target under the Kyoto Protocol. I understand that work on a review of the national climate change strategy, taking account of developments since its publication at the end of 2000, is currently in progress in his Department.

146. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the current extent of energy production from biomass; his plans for expansion in the future in this area; and if he will make a statement on the matter. [34489/05]

189. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources

[Mr. Coveney.]

if biomass production here is in keeping with best practice elsewhere in Europe and worldwide; and if he will make a statement on the matter. [34488/05]

254. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if biomass production here is in keeping with best practice elsewhere in Europe and worldwide; and if he will make a statement on the matter. [34659/05]

255. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the current extent of energy production from biomass; his plans for expansion in the future in this area; and if he will make a statement on the matter. [34660/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 146, 189, 254 and 255 together.

Biomass energy offers potential for Ireland to develop indigenous energy supplies from renewable resources, thereby contributing to security of supply, lowering emissions and providing alternative sources of income for agriculture, forestry and waste management sectors. It also has the potential to provide a source of low cost energy across all sectors of the economy.

Ireland is still at a relatively low level of deployment of biomass energy, and in December 2003 my Department, in association with SEI, set up a bioenergy strategy group, BSG, to consider the policy options and support mechanisms available to Government to stimulate increased use of biomass for energy conversion. Membership of the BSG comprised representatives of various Government Departments as well as State agencies in the agriculture and energy sectors and industry representatives. The findings of the bioenergy strategy group are being considered by the renewable energy development group in the context of overall policy recommendations and will be considered carefully.

We are already making progress, particularly in integrating biomass into Ireland's heating infrastructures. The biomass sector has attracted the largest amount of support under Sustainable Energy Ireland's renewable energy research, development and demonstration programme. Among the specific projects addressed to date are: a combined heat and power system, using sawmill residues at Grainger Sawmill in Cork; a 100 KW wood chip and pellet boiler at Coillte's headquarters — this 100% sustainable, timber constructed building has incorporated solar and wood heating systems into a purpose built energy centre that is open to the public; a 500 KW wood boiler and solar panels at Inchadoney Lodge and Spa hotel in Clonakilty, County Cork; a 100 KW wood chip boiler at Camphill Community, Jerpoint, County Kilkenny.

SEI recently published details of a further funding programme in 2005 for biomass boilers. Funding for biomass energy has also been made available for a range of projects under the EU Leader, LIFE and INTERREG IIIA programmes.

The biomass technologies supported under the AER process include biomass — landfill gas, biomass-anaerobic digestion and biomass-combined heat and power and a total of 20.204 MW from biomass landfill gas projects has been commissioned to date. Three further biomass CHP projects, 26.8MW, and ten biomass AD projects, 2.022MW, were successful in AER V6. In April this year I announced that I was changing the renewable energy support mechanism from competitive tendering to a fixed feed in tariff mechanism. In September I announced the support prices for different technology bands, including general biomass price support.

The new fixed price tariffs are: large wind energy, over five megawatts — 5.7 cent per kilowatt hour; small wind energy, under five megawatts — 5.9 cent per kilowatt hour; biomass — landfill gas — 7.0 cent per kilowatt hour; hydro and other biomass technologies — 7.2 cent per kilowatt hour.

Nine other member states have chosen feed in tariff as the preferred mechanism to support biomass electricity, including those with the highest market penetration of biomass. The detailed draft terms and conditions of the proposed feed-in support programme were posted on the Department's website, www.dcmnr.gov.ie, in draft form, on 29 September last and interested parties had until 12 October 2005 to raise any queries or to furnish any observations on the proposals, as published.

The report of the renewable energy development group is expected shortly and will form the basis of my future policy decisions on the increased penetration of renewable energy technologies, including biomass, in the electricity market and will seek to ensure that developers can make a reasonable rate of return on renewable energy projects while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are all fully taken into consideration. In July my Northern counterpart, Angela Smith, MP, and myself published a preliminary consultation paper on an all-island vision for renewable energy to the year 2020 and beyond. The consultation period recently ended and the response has been very encouraging. The aim is to develop a long-term strategy for renewable energy on the island as a whole.

Question No. 147 answered with Question No. 127.

Digital Hub.

148. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources

the costs of the development and promotion of the digital hub to date in 2005; the likely future costs of same; if this is in accordance with projections; and if he will make a statement on the matter. [34530/05]

161. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the position in regard to the promotion and development of the digital hub with particular reference to the associated costs to date in 2005 and its future; and if he will make a statement on the matter. [34529/05]

176. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources if he will report on the extent of the expansion of facilities at the digital hub; the extent to which targets or projections are being achieved; and if he will make a statement on the matter. [34531/05]

289. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the current position in regard to the promotion and development of the digital hub with particular reference to the associated costs to date and its future; and if he will make a statement on the matter. [34699/05]

290. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which he sees the digital hub developing in the future; and if he will make a statement on the matter. [34700/05]

291. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will report on the extent of the expansion of facilities at the digital hub; the extent to which targets or projections are being achieved; and if he will make a statement on the matter. [34701/05]

292. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the costs of the development and promotion of the digital hub to date in 2005; the likely future costs of same; if this is in accordance with projections; and if he will make a statement on the matter. [34702/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 148, 161, 176, 289, 290, 291 and 292 together.

The digital hub project, managed by the independent Digital Hub Development Agency, has been and will continue to be successful in developing a digital industry cluster, as well as in regenerating an historic community area in the heart of Dublin by operating a number of significant community and educational initiatives as part of its role in the digital hub district. During 2005, €2.5 million was provided to the Digital

Hub Development Agency to clear an overdraft which had been built up through its operating costs during 2004 and part of 2005. In addition, €550,000 has been provided to date during 2005 to meet the ongoing operating costs of the agency. Future costs will be kept under review by the Department and will be subject to negotiations with the agency.

On 5 October, the agency announced a competition to develop over five acres of land in the digital hub. This land will be developed as a mixture of residential, commercial and retail properties, in addition to public spaces. The private developers will compete on the basis of bids of cash plus office space. The office space will be handed back to the Digital Hub Development Agency and will be used to accommodate an increased number of digital enterprises in the area. These tenders must be submitted by 18 November for evaluation.

With regard to industry development, the agency has been successful to date in growing the cluster, with about 50 companies now employing approximately 400 employees in the hub. These enterprises are involved in a range of activities, including games software development, mobile technology, animation and TV production.

As regards the social and community development remit of the hub, the agency has operated the Liberties learning initiative, which uses technology to tackle social and educational disadvantage in the area. Supported by funding from Diageo Ireland, the programme delivers a range of learning and showcasing projects focused on the creative use of digital media and reflects the national priorities of building a knowledge based society and addressing the digital divide. In addition, the schools programme of the Liberties learning initiative has developed a range of programmes in 16 local primary and second level schools aimed at addressing the digital divide. The schools programme aims to equip local children with the skills needed to live in a digital age and to work in the digital media industry, which will be located on their doorstep.

Question No. 149 answered with Question No. 121.

Question No. 150 answered with Question No. 140.

Question No. 151 answered with Question No. 116.

Question No. 152 answered with Question No. 139.

Question No. 153 answered with Question No. 141.

Electricity Generation.

154. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources

[Mr. Howlin.]

if there are issues surrounding the security of supply in the upcoming winter months in view of the serious power cuts experienced recently at Wexford General Hospital and concerns in Britain regarding the wholesale gas market; and if he will make a statement on the matter. [34358/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Ireland's modest domestic energy resources and the geographic distance from other countries make security of supply an especially important issue. Assuring security of electricity supply requires a multifaceted approach with an optimal supply mix.

Responsibility for security of supply in the electricity sector rests by law since February 2005 with the energy regulator, the Commission for Energy Regulation, CER, assuming the key monitoring and oversight role, aided by the transmission system operator and the Department. This responsibility includes greater powers to act to secure and enhance supply. Specifically, the CER is empowered to take any measures necessary to protect security of supply. In addition, the transmission system operator, TSO, is required by law to advise the CER if there is a threat to security of electricity supply and make recommendations as to measures to cover peak demands and to deal with shortfalls in capacity. The supply demand balance for the coming winter is tight but CER continues to monitor the situation very closely.

As demonstrated by international and domestic blackout events, no electricity power system can be fully protected from all eventualities. Likewise, no system can guarantee that there will be no disruption to electricity supply. Nonetheless, Ireland has an exemplary record and no system wide outage has occurred in the Irish power system to date.

I am informed by the ESB that the incident last month at Wexford Hospital was initially caused by climatic conditions but the ensuing problems with the back-up system were due to a fault in the hospital's own generator and switching gear and not between the ESB substation and the hospital. I have been apprised of the comments made by the UK Minister for Energy in respect of the outlook for UK gas supplies this winter. Bilateral contact between my Department and the Department of Industry in the UK has clarified that Minister Wicks recently sounded a note of caution for UK businesses that do not book firm gas supplies and capacities in advance. Such businesses may face interruption of supplies in the event of colder than average weather conditions. The choice between booking firm or interruptible gas supplies is a commercial decision for individual businesses.

The UK National Grid's winter outlook report was published in October. It concluded that under average winter weather conditions, gas

supplies and power generation capacities are sufficient to meet all demand for gas and electricity. If winter weather conditions are extremely cold, then there is a programme in place in the UK to reduce gas demand without leading to power cuts.

In Ireland, the Commission for Energy Regulation has responsibility for monitoring on an ongoing basis the security of natural gas supply. The commission publishes an annual gas capacity statement. This provides a forecast of capacity, flows and customer demand to assess the adequacy of the Irish gas transmission system. The gas capacity statement also considers whether projected supplies of gas from indigenous sources, imports and storage are sufficient to meet forecast demand. A key finding of the 2005 gas capacity statement is that even under unusually cold weather conditions, the Irish gas transmission system will cope with forecast demand.

Alternative Energy Projects.

155. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the cabinet approval recently given to Bord na Móna's future strategy proposals including the pursuit of interests with waste disposal and alternative energy companies; his views on whether the way is being prepared for the privatisation of Bord na Móna; and if he will make a statement on the matter. [34349/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The programme for Government, agreed in June 2002, states that the Government will approach the issue of the appropriate form of ownership or structure for state companies on a case-by-case basis and will support the maximum commercial freedom of semi-state companies, subject to the fulfilment of national strategic and balanced regional policy objectives.

Bord na Móna's future strategy proposals, which I recently approved in principle in consultation with my colleague, the Minister for Finance, includes diversification into renewable energy, the development of the company's environmental solutions businesses, including waste management, and extracting best value from its land and property asset portfolio, while continuing to maintain its existing peat stock, solid fuels and horticultural businesses.

The approval of the strategy not only supports the concept of maximum commercial freedom for the company but also ensures the long-term viability of the company having regard to the declining and finite nature of its existing peat-based energy supply, solid fuel and horticulture businesses. I have no plan for the privatisation of Bord na Móna.

Question No. 156 answered with Question No. 126.

Mobile Telephony.

157. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources his views on recent market developments in the mobile and broadband markets; his further views regarding a possible takeover vehicle for Eircom; and if he will make a statement on the matter. [34368/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter. Any proposals by a commercial operator, in a fully liberalised market, to acquire another company is a commercial decision for them.

Fishing Vessel Licences.

158. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the purpose of the Sea Fisheries (Tuna and Certain Other Species) Fishing Regulations 2005; the number of authorisations which have been applied for and granted under these regulations; and if he intends to promote a commercial tuna fishing industry here. [34550/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The purpose of the Sea Fisheries (Tuna and Certain Other Species) Fishing Regulations 2005 is to implement EU Regulation 1329/98 which bans the fishing for albacore tuna by means of drift net. The S.I. allows for the fishing of this stock by other legal means. In Ireland, this fishery is pursued by means of pair trawling and long lining. Ireland can authorise up to 50 boats to fish for albacore tuna each year. In 2005, Ireland has a quota of 5,723 tonnes.

In 2005, there were 55 applications for an authorisation to fish for albacore tuna. This compares to 36 in 2004. A number of applicants were not considered eligible for an albacore tuna licence because they did not meet the requirements set in the S.I. The number of authorisations granted was the maximum 50 allowed. Where the Department was advised that licensed vessels were not in a position to fish in 2005, their licence was revoked and reissued to other boats where the owner expressed an interest in the fishery after the official closing date for applications.

I consider that the albacore tuna fishery offers excellent opportunities for Irish boats, insofar as Ireland has a large quota, which is not being fully taken up. Fishing trials carried out by BIM have already provided substantial support to interested fishermen to develop alternative fishing techniques. BIM will continue to provide technical support for operators in this fishery.

Alternative Energy Projects.

159. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the extent to which he has reviewed the various

alternative energy sectors with a view to achieving less dependence on imports; and if he will make a statement on the matter. [34481/05]

293. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has reviewed the various alternative energy sectors with a view to achieving less dependence on imports; and if he will make a statement on the matter. [34705/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 159 and 293 together.

My Department has conducted a public consultation process on future development of renewable energy to gauge market views on the most appropriate policy initiatives. This process was succeeded by the establishment of a renewable energy development group. The group is chaired by my Department and comprises relevant experts from the administrative, industry and scientific sector, including the Commission for Energy Regulation, CER, Sustainable Energy Ireland, SEI, ESB National Grid and the Economic and Social Research Institute, ESRI, among others.

The work of the group has been informed by the renewable energy consultation process and the submissions made in response to the consultation document. Other inputs to the group came from direct presentations to the group from industry representatives and their associations, analysis conducted by subgroups of the group itself, the work of the CHP strategy group and the bioenergy strategy group. The group has conducted a comprehensive review of available proven technologies. Less developed technologies can avail of the RD and D programmes operated by Sustainable Energy Ireland.

In July, my Northern counterpart, Ms Angela Smith, MP, and I published a preliminary consultation paper on an all-island vision for renewable energy to the year 2020 and beyond. The consultation period recently ended and the response has been very encouraging. The aim is to develop a long term strategy for renewable energy on the island as a whole.

Question No. 160 answered with Question No. 113.

Question No. 161 answered with Question No. 148.

Port Development.

162. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if responsibility for ports is going to be removed from the remit of his Department and transferred to the Department of Transport; the reasons behind the consideration of such a move; and if he will make a statement on the matter. [34355/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government has endorsed my proposal, jointly agreed with my colleague, the Minister for Transport, to transfer responsibility for maritime transport and maritime safety from my Department to the Department of Transport from 1 January 2006. The decision to transfer responsibility for the major commercial seaports is being complemented by the simultaneous transfer of the following interlinked policy areas and services. These include shipping policy and State regional ports and harbours, both of which functions are fully integrated with commercial ports policy and the maritime safety and security functions together with the Irish Coast Guard.

The transfer of the maritime transport and maritime safety functions in their totality to the Department of Transport makes strategic and operational sense. The bringing of these functions within the transport policy framework is in the interests of integrated transport policy delivery, efficiency and effectiveness and stakeholders and sectors.

Fisheries Protection.

163. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the steps he will take to address the impact of drift netting on the tourism sector (details supplied); and if he will make a statement on the matter. [34278/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I refer the Deputy to my previous reply on this matter to Question No. 176 on 12 October 2005.

While I am aware of the argument that the effect of drift netting on salmon stocks is a reason for the decline in tourism angling in Ireland, I am not, however, aware of any study having been carried out that supports this particular premise. For this reason, the Department has recently taken up this matter with the Department of Arts, Sports and Tourism, with a view to asking that Department, and the relevant State agencies under its aegis, to apply their expertise in evaluating the role of salmon angling development and to present a definitive view of its potential within the broader tourism sector.

Question No. 164 answered with Question No. 101.

Alternative Energy Projects.

165. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources his views on targets for renewable energy for 2010, 2020, 2030, 2040 and 2050; his further views on whether the vast bulk of Irish energy needs could be provided by renewables in the medium to long term; and if he will make a statement on the matter. [34372/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Within the electricity market, a target is established to increase the amount of electricity consumed from renewable energy sources to 13.2% by 2010. This is regarded as a challenging target to achieve. Currently we have 675 MW of renewable capacity connected to our system and to reach the 2010 target we will have to more than double the present renewable capacity. Current industry build rate shows that the required level is achievable.

In July, my Northern counterpart, Ms Angela Smith, MP, and I published a preliminary consultation paper on an all-island vision for renewable energy to the year 2020 and beyond. The consultation period recently ended and the response has been very encouraging. The aim is to develop a long term strategy for renewable energy on the island as a whole.

The question of what further targets can be set and in what timeframe is one that requires further analysis and technical input, largely but not exclusively, in regard to grid and associated economic issues.

Question No. 166 answered with Question No. 145.

Television Licence Fee.

167. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources his intentions for the distribution of the television licence reserve fund; the full extent of this fund to date in 2005; if he expects to bring in the necessary legislation to deal with this issue in early course; and if he will make a statement on the matter. [34480/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting (Funding) Act 2003 provides that the Broadcasting Commission of Ireland prepare a scheme or schemes for the funding of grants to support certain television and radio programmes.

The EU Commission recently notified Ireland of its decision that it considers the scheme to be compatible with the relevant provisions of the EU Treaty. I subsequently wrote to the Broadcasting Commission of Ireland approving the scheme entitled "Sound & Vision" which has now been launched. The amount payable annually to the fund under section 4(2) of the Broadcasting (Funding) Act 2003 is equal to 5% of net receipts of broadcasting licence fees. The fund now stands at in excess of €23 million.

Question No. 168 answered with Question No. 120.

Question No. 169 answered with Question No. 145.

Postal Services.

170. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with post masters or sub-post masters with a view to enabling the development, upgrading and expansion of the services available through the post offices; and if he will make a statement on the matter. [34514/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The development and continued viability of An Post and the post office network, is in the first instance, a matter for the board and management of An Post.

An Post plays, and will continue to play, a key role, both in delivery of mails and as a quality service provider through its nationwide network of post office outlets. However, there is universal agreement that change is required if the postal services of An Post are to adapt to the modern business environment and to continue to offer a top class nationwide delivery service to the customer into the future.

With this in mind, the board and management of An Post have presented a recovery plan, which I believe is vital to the re-establishment of the company on a more secure financial footing. Adoption of restructuring that delivers real change is the only way that An Post can secure its financial position. It is the Government's objective to maintain the largest, economically sustainable post office network possible. The challenge for all stakeholders in An Post is to generate sufficient profitable business to maintain the network at its current size by building on existing strengths to develop new product offerings.

The network has a high footfall and to capitalise on these advantages it is essential that existing and new services are developed to meet customer requirements. The network also has the capacity and potential to deliver more private business especially in financial services and opportunities are actively being pursued by An Post in this area. On foot of substantial investment in computerisation, a significant amount of extra business has already been obtained for the network in terms of banking and utility business.

At present 95% of An Post's business is conducted through automated offices. Also underway is a new pilot scheme to automate a total of ten smaller post offices. This will allow the company to determine to what extent, if any, further investment in automation might be justified. The results of this project will be evaluated at the end of the trial period.

I have also asked the company to ensure that any strategy for the development of the company should ensure the long term viability of the post office network and, in this light, An Post is currently working on a new initiative, the An Post financial services strategy, which could see the development and expansion of the range of finan-

cial services that it can deliver through its network of post offices. If successful, it could lead to a significant increase in post office business and contribute to the viability of the network.

I have at all times kept all the key stakeholders at An Post, including the IPU, apprised of developments at An Post and have welcomed its views on the future development of the company. In this regard, I have met with representatives of the Irish Postmasters Union, IPU, on a number of occasions over the past 12 months and as recently as last Thursday, 10 November.

Electricity Generation.

171. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if the cost of access to the grid is a contributory factor in respect of energy costs, including alternative energy; and if he will make a statement on the matter. [34517/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regard to national grid access, which is primarily a matter for ESB National Grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999 and I have no power to issue directions of the type referred to.

Question No. 172 answered with Question No. 108.

Fisheries Protection.

173. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the annual cost to the State of the provision of monitoring, inspection and enforcement of the fishery management system; the most recent estimated annual gross revenue of fish landed in ports here; and if he will make a statement on the matter. [34538/05]

177. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the annual cost to the State of the provision of monitoring, inspection and enforcement of the fishery management system; the most recent estimated annual gross revenue of fish landed in ports here; and if he will make a statement on the matter. [34533/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 173 and 177 together.

The cost of providing the monitoring, inspection and enforcement of Ireland's sea fisheries management system is borne by both the Department of Defence and by the Department of Communications, Marine and Natural Resources. The Department of Defence makes budgetary provision for the Naval Service and for the Air Corps, who in turn monitor and control fisheries.

[Mr. Gallagher.]

The Naval Service discharges a number of roles as a constituent part of the Defence Forces. Its primary task in peace time is to provide a fisheries protection service in accordance with the State's obligations as a member of the EU. In excess of 90% of the day to day activities of the service is devoted to this task at present.

The estimate of the total cost in 2004 of the Naval Service is approximately €97 million. The Air Corps also provides fishery protection services, the estimated total cost of such services in 2004 is €13 million. The Department of Communications, Marine and Natural Resources has a number of sea fishery officers and administrative personnel engaged in the inspection work related to fisheries conservation and food safety regulation. The inspection work in both areas is generally given equal time and attention. An adjustment to the total annual expenditure for this work to allow for this dual inspection function indicates that the total cost to the State for the provision of inspection and enforcement of fisheries was €2.1 million during 2004.

The costs above cover the cost of fisheries control in respect of all EU and third country fishing fleets in Ireland's 200 mile zone as well as the cost of participating in fisheries control programmes outside the 200 mile zone mandated by the European Commission. The requirement for comprehensive fisheries control in respect of all vessels in the Irish 200 mile zone is a mandatory obligation on the State under European law. The disproportionate burden which this imposes on the State relative to the size of the Irish fishing industry was recognised at the outset of the EU Common Fisheries Policy.

The value of landings into Irish ports at first point of sale from Irish and non-Irish fishing vessels was approximately €198.2 million for 2004. Irish fishing vessels would also make significant landings in a number of other EU member states and third countries. The value of exports from Irish seafood companies during 2004 was in excess of €377 million. The value at final point of sale of seafood sold in Ireland or exported from Ireland is almost €700 million. It is estimated that there are up to 15,000 persons employed directly or indirectly in the seafood sector.

174. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position regarding the new regulations for the National Salmon Commission; his views on introducing legislation to ban drift net fishing in view of a call by MEPs for such a ban; and if he will make a statement on the matter. [34447/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The National Salmon Commission is a statutory body established to assist and advise me, as Minister with responsibility for the marine, in regard to the conservation, management, protection and development of the wild

salmon and sea trout resource in Ireland. The salmon commission includes representatives of the commercial salmon fishing sector, the angling sector and other relevant stakeholders, and provides the primary forum in which the vital issues relating to salmon conservation can be considered. As such, I attach significant importance to the role of the commission in the management of this important natural resource.

Earlier this year, when setting the commercial salmon quotas for the 2005 season, I accepted the outgoing commission's recommendation and gave a firm commitment to fully align the exploitation of salmon, both at national and district levels, on the scientific advice by 2007. With this in mind, I have asked the new National Salmon Commission to advise me as to how best this alignment can be implemented and, in doing so, to propose how an objective balance between competing interests in the salmon fishery may be obtained within the framework of the conservation management mechanism as necessary.

To assist it in this task, I have provided specific terms of reference for the National Salmon Commission which are set out in the National Salmon Commission (Terms of Reference) Order 2005, S.I. No. 627 of 2005. While I am aware of calls for a ban on drift net salmon fishing in Ireland, the Deputy should be aware that the latest scientific advice available to me has not recommended an outright or immediate cessation of drift net fishing for salmon. Such a cessation is not regarded as necessary to protect the biological health of salmon at a national level as there remains an abundance of fish nationally and the scientists recognise that determining the balance of exploitation at this level between different fisheries is an administrative and political choice, to be taken having full regard not just for the biological perspective but also for the wider socio-economic considerations. The scientific advice is clear, however, that the priority must be to align exploitation on the scientifically recommended conservation levels as quickly as possible. What is also certain is the Government's commitment to the scientific advice and to the adoption of the scientific recommendations on conservation limits by 2007.

I can assure the Deputy that I will examine carefully all recommendations, including those relevant to drift netting, made to me by the National Salmon Commission in this regard.

Question No. 175 answered with Question No. 103.

Question No. 176 answered with Question No. 148.

Question No. 177 answered with Question No. 173.

Question No. 178 answered with Question No. 121.

Question No. 179 answered with Question No. 113.

Question No. 180 answered with Question No. 139.

Ferry Operations.

181. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions regarding the pay and working conditions of workers on ferries operating between member states of the EU with the Employment, Social Affairs and Equal Opportunities Commissioner, Vladimir Spidla; and if he will report on the discussions held. [31456/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): At present, EU Commission initiatives in the area of seafarer employment and working conditions are being progressed by the directorate general for energy and transport, which reports to Mr. Jacques Barrat, Vice-President of the European Commission and Commissioner for Transport.

In 1998, the Commission had put forward proposals for a directive on the manning of regular passenger and ferry services operating in and between member states. The Commission issued a revised proposal in 2000. However, no final agreement was reached in the Council of Ministers on the matter and the Commission formally withdrew the proposal in 2004. A central point of the earlier draft directive was that workers on a ferry operating between member states should initially be from whatever two jurisdictions the ship is moving between; otherwise, workers of any nationality on the route in question should be subject to the same national pay rates as all other workers in the State concerned.

Following the failure of that initiative, the Commission has referred the question of the pay and conditions of seafarers working on ferries operating between member states, to the social partners. If a European social partnership agreement is reached, that agreement could be implemented through EU legislation. Ireland is one of the member states supporting the Commission's proposal on European social dialogue.

Another Community initiative of relevance to seafarers is that entitled "Boosting employment prospects in the Community maritime sector and attracting young people to the seafaring profession". My officials, who support this initiative, are currently examining the Commission's proposals as they are developed at working group and COREPER levels.

The UK EU Presidency is pressing to have maritime employment, including the Commission initiative to boost seafarer employment, discussed at the upcoming 5 December 2005 Transport, Telecommunications and Energy Council. Ireland will be supportive of measures designed

to protect EU seafaring jobs, while having regard to our almost total reliance on maritime transport. I have not had discussions with the EU Employment, Social Affairs and Equal Opportunities Commissioner, Mr. Vladimir Spidla in view of the seafarer employment initiatives already being progressed by the Commission's directorate general for energy and transport and the current EU Presidency.

Question No. 182 answered with Question No. 121.

Question No. 183 answered with Question No. 114.

Telecommunications Services.

184. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources the proposed digital multiplex system and network service that is currently being put out to tender; if he has reviewed the recent report by the British regulator (details supplied) on the cost and power consumption implications of digital switchover; his plans to undertake a similar study of the implications of digital switchover here; if he has reached a decision on the proposed timeframe for digital roll out and the corresponding analogue switch-off date; and if he will make a statement on the matter. [34339/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department is currently running procurement processes to develop a digital terrestrial television, DTT, pilot study. There are two key procurement processes. As regards the multiplex and network service provider procurement, pre-qualified tenderers have been asked to submit final tenders for early January 2006. As to transmission equipment, an open procurement process has been announced with tenders also due in January 2006.

I am aware of the conclusions of the cost-benefit analysis of analogue switch-off as developed in the UK. My analysis of all of the implications of a DTT roll out and possible analogue switch-off is ongoing. As the DTT pilot study develops and proposals emerge for a national roll-out of DTT, it is proposed to bring forward detailed proposals as to possible analogue switch-off dates.

Broadcasting Services.

185. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources when the consultants and solicitors (details supplied) are going to report on an implementation plan for the establishment of TG4 as an independent statutory body; and if he will make a statement on the matter. [34360/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The exter-

[Mr. N. Dempsey.]

nal advisers appointed to assist in the preparation of a detailed implementation plan for the separation of TG4, have submitted a draft report to the project management group which is chaired by my Department and includes officials from the Department of Finance and the Department of Community, Rural and Gaeltacht Affairs, along with RTE and TG4. The draft report is being examined at present and it is expected that a final report will be received by the end of November.

Alternative Energy Projects.

186. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the measures, including any fiscal incentives, he is planning to promote the development of renewable energy resources; and if he will make a statement on the matter. [34362/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department operates a number of fiscal incentive programmes, aimed at promoting the integration of renewable technologies. Under the AER programme, administered by my Department, 675 MW of renewable capacity has been connected with a further 175 MW under active construction. Further development will also take place from the last two rounds of competitive tendering, the AER V and AER VI competitions.

On 27 September, I announced a new support programme to further increase the contribution to electricity production from renewable energy sources. This new programme will move away from the competitive tendering model to a fixed price scheme. This means that any applicant, whether an individual or company, may submit an application at a fixed price based on technology and, in the case of wind, the capacity of the project.

In the area of alternative fuels, the biofuels mineral oil tax relief scheme was launched in April this year and has resulted in eight biofuels projects being awarded excise relief for a period of two years. Excise relief of €6 million will be allowed for these projects, over a two-year period to 2007. It is anticipated that this will result in 16 million litres of biofuels replacing imports on the Irish transport market during that period. The scheme is an initial measure designed to stimulate market development.

In addition to these initiatives, Sustainable Energy Ireland administers a series of programmes aimed at supporting the integration of renewable technologies across all sectors of the economy. Its programmes include: the house of tomorrow programme which promotes and supports sustainable energy practices in Irish housing, by providing grant aid to developers of groups of housing; the public sector buildings programme which supports the development of model, energy efficient public sector buildings; and the renewable energy research development

and demonstration programme which aims to stimulate deployment of renewables close to market and address the need for information and education.

Sustainable Energy Ireland has a budget of €16.1 million in 2005 for the administration of these and a range of other sustainable energy programmes. I am fully committed to the development of our renewable resources and I believe that the combination of these programmes is serving to ensure the increased deployment of renewable and alternative energy within Ireland's electricity, heat and transport markets. The question of whether or not there will be further measures to support renewable energy sources can only be considered in the context of this year's budget which is a matter initially for the Minister for Finance and ultimately for the Government.

Post Office Network.

187. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he has in the course of his recent discussions or correspondence with An Post ascertained the number of post offices closed or threatened with closure in the past 12 months; if such proposals are likely to enhance the scope and scale of the postal services and thereby their viability; and if he will make a statement on the matter. [34516/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The development and continued viability of An Post and the post office network is, in the first instance, a matter for the board and management of An Post. As clearly set out in An Agreed Programme for Government, this Administration and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network. Notwithstanding the commercial remit of An Post, there is clear Government recognition of the social benefits of maintaining the nationwide post office network.

Accordingly, An Post development strategies for the network continue to take full account of these social benefits. The An Post network comprises the single largest number of retail outlets in the country. In the European context, Ireland still has the highest number of post offices per head of population. In recent years some network restructuring has been undertaken. This activity is in line with similar trends across Europe. In addition to the post office network, An Post has established 2,864 Postpoint outlets in retail premises of which 600 can be used for bill payment. Specifically, as regards the closure of post offices or sub-post offices, it is only when a suitable candidate for a vacancy cannot be found or where there are no applicants, that an office is closed.

I understand that since 1 November 2004, 17 post offices closed and were replaced with postal agencies providing core post office services

including social welfare payments and the sale of stamps. In the same period a further 18 post offices closed and no longer provide a service because no suitable applications were received following advertisement campaigns for these contracts. In these instances customers were re-directed to other post offices in the local vicinities. In addition, there are a further 12 post offices that are temporarily closed and for which the company is currently advertising or for which contracts are in process.

It is the Government's objective to maintain the largest, economically sustainable post office network possible. The challenge for all stakeholders in An Post is to generate sufficient profitable business to maintain the network at its current size. While the Government will support the network in any way it can and has demonstrated its commitment in a tangible fashion, with a €12.7 million capital injection in 2003, the way forward is for An Post to enhance existing services and, building on existing strengths to develop new product offerings.

The network has a high footfall and to capitalise on this advantage it is essential that existing and new services are developed to meet customer requirements. The network also has the capacity and potential to deliver more private business especially in financial services and opportunities are actively being pursued by An Post in this area. Indeed, on foot of substantial investment in computerisation, a significant amount of extra business has already been obtained for the network in terms of banking and utility business. At present 95% of An Post's business is conducted through automated offices.

Also underway is a new pilot scheme to automate a total of ten smaller post offices. This will allow the company to determine to what extent, if any, further investment in automation might be justified. The results of this project will be evaluated at the end of the trial period. I have also asked the company to ensure that any strategy for the development of the company should ensure the long term viability of the post office network and in this light, An Post is currently working on a new initiative which could see the development and expansion of the range of financial services that it can deliver through its network of post offices.

If successful, it could lead to a significant increase in post office business and contribute to the viability of the network.

Electricity Generation.

188. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources his views on the Department of Enterprise, Trade and Employment's description of the lack of State capital investment in the national electricity grid; his plans to change this investment levy that households here and businesses are charged; and if he will make a statement on the matter. [34363/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Neither my Department nor the Department of Enterprise, Trade and Employment can trace any record of the matter referred to in the question.

I can advise the Deputy that I have no function in the matter of grid investment. ESB Networks and ESB National Grid manage major investment in Ireland's distribution and transmission infrastructure. The Commission for Energy Regulation has recently undertaken a major review of ESB's capital investment programme over the last five years and ESB investment plans over the next five year period. Between 2001 and 2005 over €2.6 billion was invested in the distribution system and a further €500 million in the transmission system.

Investment in the next five year period will be in the region of €2.278 billion for distribution and €520 million for transmission. This investment is vital in order to support the needs of all electricity customers for world class quality and security of supply. It also assists competition in the electricity sector and the growth of renewable energy and regional development, as well as inward investment. There is no history of Government directly funding grid investment in this country.

As is the case in most countries, the grid investment programme is paid for by all customers through electricity tariffs — use of system charges. There are no network levies.

Question No. 189 answered with Question No. 146.

Energy Resources.

190. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will report on the recent EU meeting where a plan for a common EU energy policy was presented by the British Prime Minister, Mr. Tony Blair; the Government's position on the plan; and if he will make a statement on the matter. [34348/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Ireland was represented at the recent heads of state informal Council at Hampton Court London by the Taoiseach. I understand that the issue of energy formed part of a wide ranging discussion on the challenges and opportunities posed by globalisation and changing demographics in the EU.

While the British Prime Minister raised the desirability of formulating a common energy policy within the European Union, no formal proposal as yet exists in this respect. I understand that the European Commission is considering bringing forward a Green Paper on this subject sometime during 2006 in which all options will be considered. This is expected to lead to a communication setting out a comprehensive approach to energy policy by the end of next year.

Broadcasting Legislation.

191. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the stage of his Department's work on the Broadcasting Bill; and if he will make a statement on the matter. [34375/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The priority issues to be addressed by the legislative proposals that will form the basis of a new Broadcasting Bill are as follows: the establishment of a single content regulator for commercial, community and public service broadcasters; the establishment of RTE as a company under the Companies Acts 1963 to 2003; the provision of a statutory mechanism for future adjustments to the level of the television licence fee; and the development of a right of reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Work on developing the legislative proposals needed to address these issues commenced following the passing of the Broadcasting (Major Events Television Coverage) Amendment Act 2003. Advancement of these proposals has taken longer than originally anticipated due to the complexity and range of issues which require to be addressed. However, good progress has been made and I anticipate that the Broadcasting Bill is on course for publication during 2006.

My intention in framing the legislative proposals will be to ensure that the broadcasting regulatory environment continues to encourage the parallel development of high quality broadcasting by Irish public service, commercial and community broadcasters.

Electricity Generation.

192. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has sought or received information from the regulator or issued instructions in regard to easier access to the grid; and if he will make a statement on the matter. [34490/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in relation to national grid access, which is primarily a matter for ESB National Grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999 and I have no power to issue directions of the type referred to.

Fisheries Protection.

193. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he will report to Dáil Éireann on progress in relation to the meeting of the Ministers of State with the fishermen of Carrick-on-Suir and south

Tipperary political representatives; if he has been in contact with South Tipperary County Council; if the obstruction on the River Suir in Carrick-on-Suir will be removed; and if he will make a statement on the matter. [34364/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): As I indicated in my reply to Question No. 98 of 20 October 2005, catch data provided to the Department by the Southern Regional Fisheries Board on behalf of the fishermen concerned were forwarded to South Tipperary County Council.

I understand that the county council has no proposals to reconsider the location of the outfall diffusers. In view of the local authority's position on the matter, and as I am advised that any effects of the diffusers and the associated navigation buoy on fishing are localised and minor, I do not consider that action as regards their relocation is warranted.

Question No. 194 answered with Question No. 121.

Energy Resources.

195. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the amount paid to date to the Exchequer in respect of the sale of the Whitegate refinery and the Bantry storage terminal; the amount of the balance which remains outstanding; when he expects that this will be paid; and if he has satisfied himself at the rate of payments; and if he will make a statement on the matter. [34359/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): It is currently estimated that the final net return to the Exchequer arising from the sale of the business and commercial assets of the Irish National Petroleum Corporation, INPC, will be of the order of some €30 million. The INPC has already paid €20 million to the Exchequer.

In November 2003, the board of the INPC, cognisant of its obligations under the Companies Acts to retain sufficient assets to meet potential liabilities, determined that it would not be appropriate to make a further payment to the Exchequer at that stage as a number of outstanding matters had yet to be resolved. These ongoing matters, comprising environmental claims lodged against the INPC and a contractual dispute with a former customer, have potential financial implications and consequently the INPC is not currently in a position to divest itself of its remaining financial assets. As the claims and the dispute are day-to-day matters for the INPC it is not appropriate for me to elaborate further on them. However, I assure the Deputy that they are being robustly defended by the INPC, with the benefit of expert legal and technical advice.

Given the involvement of third parties in the unresolved matters, neither the INPC nor my Department is in a position to indicate when the remaining proceeds may become available. It has always been accepted that the total cash return to the Exchequer arising from the INPC transaction would be considerably less than the headline sale price of US\$100 million as the INPC had, for example, to use some of the proceeds to discharge the company's debt.

I am satisfied that the transaction represented a very positive outcome for the State, particularly having regard to the fact that the Government also placed as a condition of the sale an obligation on the purchasers and any successors to operate the refinery and the oil terminal on a fully commercial basis for a period of at least 15 years.

Health Services.

196. **Ms Enright** asked the Tánaiste and Minister for Health and Children her views on whether there are enough speech and language therapy and occupational therapy posts to ensure that children with autism get a regular on-site service in schools in Laois and Offaly; and if she will make a statement on the matter. [34819/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Community Care.

197. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children if, in the interest of promoting equality for family carer's, she will support the establishment of a national advisory group made up of carers, representative organisations, union representatives and employers groups to advise her Department on the various areas of policy affecting carer's and their families; and if she will make a statement on the matter. [34732/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy is aware, carers provide an invaluable role in supporting family members in the community and it is important to recognise their contribution to society. The role of carers in society has to some extent not been fully recognised in the past but this situation is changing with a number of initiatives being introduced to address the needs of carers.

The Department of Health and Children provided in excess of €1 million in funding in 2005 to a number of groups supporting cares such as

Care Alliance, Caring for Carers and the Carers Association. The Department of Social and Family Affairs has also implemented a range of measures, since 1999, to assist carers, including increases in the carer's allowance, the introduction of an annual payment of €1,000 towards the cost of respite care, the extension of schemes such as the free electricity allowance, free telephone rental and free television licence to those on carer's allowance.

The Carers Leave Act 2001 allows employees in Ireland to leave their employment temporarily for a minimum period of 13 weeks up to a maximum period of 65 weeks to provide full-time care and attention. Carers leave from employment is unpaid but the Carers Leave Act ensures that those who propose to avail of carer's leave will have their jobs kept open for them for the duration of the leave. These initiatives demonstrate this Government's commitment to addressing the shortcomings identified by the Carers Association and other groups regarding support for carers.

The Taoiseach, the Minister for Health and Children, Deputy Harney, and the Minister for Social and Family Affairs, Deputy Brennan, met with representatives of the Carers Association on the 29 September 2005 to discuss their document entitled Towards a Family Carers Strategy. At that meeting, the importance of work carried out by carers in the home was acknowledged. As outlined at the meeting, an interdepartmental group on the funding of long-term care for older persons set up by the Tánaiste and the Minister for Social and Family Affairs, chaired by the Taoiseach's Department, is currently examining a range of issues surrounding the care of older persons in Ireland, including community care. That group is expected to report shortly and it was agreed that the Carers Association document entitled Towards a Family Carers' Strategy, would feed into its deliberations.

Fluoridation of Water.

198. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding the health implications of water fluoridation; and if she will make a statement on the matter. [34734/05]

Tánaiste and Minister for Health and Children (Ms Harney): Fluoridation of public water supplies as a public health measure is accepted as being one of the most effective methods of ensuring against tooth decay. The World Health Organisation recommends fluoridation of public water supplies and has stated that fluoridation of water supplies, where possible, is the most effective public health measure for the prevention of dental decay. The WHO has also stated that people of all ages, including the elderly, benefit from community water fluoridation. The recently completed survey of oral health, covering the whole island of Ireland, shows that fluoridation

[Ms Harney.]

of public water supplies continues to be a highly effective public health measure. It has contributed significantly to a major reduction in the incidence of dental decay in the Republic of Ireland.

A forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum report's main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure. The report of the forum on fluoridation made 33 recommendations covering a broad range of topics such as research, public awareness, policy and technical aspects of fluoridation and the establishment of an expert body to oversee the implementation of the recommendations.

The Irish expert body on fluorides and health held its inaugural meeting in April 2004. The terms of reference of the expert body are to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research — including new emerging issues — on all aspects of fluoride and its delivery methods as an established health technology and as required; to report to the Minister on matters of concern at his or her request or on its own initiative. The expert body has broad representation, including from the areas of public health medicine, engineering, management, environmental protection, environmental health, dentistry and health promotion.

The body has a strong consumer input in terms of members of the public and representatives of consumer interests, in addition to the necessary scientific, managerial and public health inputs. The expert body will oversee the implementation of the wide ranging recommendations of the forum and advise me on all aspects of fluoride going forward.

Nursing Home Subventions.

199. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the position regarding the refunding of nursing home charges; when such repayments are likely to commence; and if she will make a statement on the matter. [34735/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government has agreed the key elements of a scheme for the repayment of long stay charges for publicly funded residential care. All those fully eligible persons who were charged and are alive and the estates of all those who were charged and died in the six years prior to 9 December 2004 will have the charges repaid in full. The scheme will not allow for repayments to the estates of those who died more than six years prior to that date.

The repayments will include both the actual charge paid and an amount to take account of inflation, using the consumer price index, since

the time the person involved was charged. It is expected that the scheme will cost approximately €1 billion and at this stage it is envisaged that applications for the scheme can be received up to 31 December 2007. Figures provided by the Health Service Executive show an estimated 60,000 people are likely to be due a repayment, approximately 20,000 of these are living and 40,000 relate to estates of deceased patients.

I intend to have legislation brought before the Oireachtas in the next parliamentary session and to have repayments commencing shortly after the Bill is approved and signed into law. In the case of those who were charged and are still alive, the repayments will be exempt from tax and will not be taken into account in assessing means for health and social welfare benefits. The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates.

The legislation will include appropriate safeguards to prevent exploitation of those who receive repayments and are not in a position to manage their own financial affairs. The scheme will include a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund service improvements in elderly, mental health and disability services.

A national oversight committee has been appointed and has already begun its work. It will provide an independent input into the design of the scheme and will monitor the operation of the scheme in order to ensure that it is being implemented quickly and in the most equitable and effective way possible. The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive.

Many of those eligible for repayments have already been identified under the *ex gratia* payments process. The scheme will include a transparent and thorough appeals process. The Health Service Executive has informed my Department that an outside company with experience in handling mass claims will be engaged by the end of this month to provide an independent input into the design and administration of the scheme. The national helpline set up by the HSE to allow people to register if they believe they are due a repayment will continue to operate but there is no need for anyone who has already registered using this facility to make contact with the HSE again to register for the scheme.

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive, by writing to the national refund scheme, HSE midland area, Arden Road, Tullamore, County Offaly; or by sending an email to refundscheme@mailq.hse.ie; or by calling the helpline number 1800 777737 during office hours.

Health Service Staff.

200. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) chose not to interview staff directly involved in the matter; and if she will make a statement on the matter. [34736/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the topic mentioned by the Deputy in details supplied is a matter for the Health Service Executive, 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.

201. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive 20 hours per week on the personal assistance programme; and if she will make a statement on the matter. [34737/05]

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.

Housing Aid for the Elderly.

202. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the position regarding an application for works required under the housing aid for the elderly scheme for a person (details supplied) in County Limerick. [34738/05]

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. This includes responsibility for the provision of the housing aid scheme for the elderly, on behalf of the Department of Environment, Heritage and Local Government. 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 Services.

203. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo has not received an appointment to have a heart bypass

operation; and if she will make a statement on the matter. [34739/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

204. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if it is proposed to make a site available on the grounds of the old St. Brigid's Psychiatric Hospital, Ballinasloe, County Galway; the cost at which such a site would be made available; and if she will make a statement on the matter. [34740/05]

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.

205. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Roscommon will be called for an eye test; and if she will make a statement on the matter. [34741/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

206. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo, who needs false teeth realigned, is being refused this facility on their medical card; and if she will make a statement on the matter. [34742/05]

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

[Ms Harney.]

requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

207. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children her views on whether a new national policy on long-term care of persons in nursing homes must be reviewed; her further views on whether it is vital that a substantial increase in the subvention rate for nursing home care is awarded; and if she will make a statement on the matter. [34743/05]

Minister of State at the Department of Health and Children (Mr. S. Power): It is the intention of the Department to put in place a more robust regulatory system as quickly as possible to protect vulnerable older people and to provide for the highest possible standards of care for older people in long-stay facilities. It is intended that the Health Bill 2005 will establish both the HIQA and the SSI on a statutory basis and will contain provisions to underpin a more robust inspectorate system.

The Nursing Homes (Care and Welfare) Regulations 1993, made under the Health (Nursing Homes) Act 1990, set out the standards to which private nursing homes must adhere. The Health Service Executive currently carries out inspections in private nursing homes. In the context of the Health Bill 2005, the process has begun to review the current system with a view to strengthening the powers available to those involved in inspecting facilities and to extend a strengthened inspection system to public facilities.

It is also intended that the Bill will provide for the setting and monitoring of standards for residential facilities for older people. To this end, the Department has commenced a review of the Nursing Homes (Care and Welfare) Regulations 1993, and will be working in conjunction with the HSE, the SSI and other relevant bodies, with the intention of developing a new set of standards that would apply to all residential services for older people. The Department is also currently working on primary legislation to expand the policies and principles of the subvention scheme to facilitate implementation of the scheme by the HSE throughout the country, and it is the intention to bring this legislation before the Oireachtas in the near future. It is also intended to increase the thresholds contained in the Nursing Homes (Subvention) Regulations 1993. These thresholds have not been updated since being set in 1993 and increasing them will render an increased number of people eligible for subvention.

The Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined all issues surrounding the financing of long-term care. Following on the

publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established. The objective of this group is to identify the policy options for a financially sustainable system of long-term care, including improvements in community care, taking into account the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. I understand that the group is addressing the issue of residential care for older people. This group will soon report to the Tánaiste and to the Minister for Social and Family Affairs.

Health Services.

208. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the planned use for a building (details supplied) recently purchased by the Health Service Executive; when the project will progress; and if she will make a statement on the matter. [34744/05]

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.

209. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children, further to Question No. 108 of 3 November 2005, when a cheque will be re-issued by the Health Service Executive eastern region; and if she will make a statement on the matter. [34745/05]

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 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 in early November. The Department has again requested that the HSE investigate this matter. The HSE has confirmed that the matter is being investigated thoroughly and will reply to the Deputy as soon as possible.

Health Care Associated Infections.

210. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children the actions being taken to deal with the challenge of the MRSA issue highlighted in recent times; and if

she will make a statement on the matter. [34800/05]

Tánaiste and Minister for Health and Children (Ms Harney): The prevention and control of health care associated infections, or HCAs, is a priority issue for the Health Service Executive. Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of HCAs, including drug-resistant organisms such as MRSA. The HSE health protection surveillance centre has published guidelines on hand hygiene and guidelines on the control of MRSA for hospital and community settings. These significant documents give clear policy and practice guidance to health care workers on the control of HCAs, including MRSA. Good hand hygiene is one of the simplest and most effective measures that can be used to stop the spread of MRSA and other infections.

The results of the national hygiene audit have now been published. These will form the basis for the changes that are required in both work environments and work practices so as to meet the highest possible standards of cleanliness in hospital settings. The HSE will also publish national infection control standards and national cleaning standards — a consistent and robust set of hygiene standards for hospitals. Where previously standards may have depended on the approach of a particular hospital or health board, the HSE can now ensure every hospital will share and meet the same high standards of cleanliness and infection control.

My Department is continuing to engage with the HSE to agree on a series of actions over the next period of time so that MRSA can be effectively dealt with so as to see a reduction in the incidence and effects of these infections.

Pharmacy Regulations.

211. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the circumstances under which a South African trained pharmacist might be able to practice as a pharmacist here; and if she will make a statement on the criteria that non-EU and non-EEA trained pharmacists must fulfil in order to practice here. [34803/05]

Tánaiste and Minister for Health and Children (Ms Harney): To be eligible to register as a pharmacist in Ireland, a candidate must have completed a recognised degree in pharmacy and have undergone a year's training in practice. The Pharmaceutical Society of Ireland, the PSI, is the professional organisation for pharmacy in Ireland. All practising pharmacists in Ireland must be registered with the PSI.

Pharmacists from outside the EU/EEA, Australia and New Zealand have in the past registered under the adjudication route of the society. However, the PSI experienced difficulties in the operation of this route of registration. In order to address these difficulties, the PSI submit-

ted a proposal for amended regulations to the Minister at that time. However the PSI's proposals for amended regulations are not possible under current legislation and an amendment to the Pharmacy Act is required. The PSI has suspended the adjudicating route of registration and is unable, at this time, to consider any application for registration under this route.

A Government decision was taken in June 2005 to introduce new pharmacy legislation. The legislation will take the form of a Bill which will remove the derogation on EU/EEA qualified pharmacists, introduce fitness to practice regulations and give an appropriate statutory basis for the PSI. It will also address the problems with adjudication route of registration. This bill will be introduced as a priority. A more detailed second Bill will follow which will legislate for pharmacy practice and the delivery of pharmaceutical services. I intend to have the first Bill introduced as soon as possible.

Health Services.

212. **Ms Enright** asked the Tánaiste and Minister for Health and Children the reports on disability services which have been commissioned by the Midland Health Board or Health Service Executive that include Laois and Offaly; the amount of same; if the recommendations were implemented; and if she will make a statement on the matter. [34817/05]

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.

213. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be called for a bypass operation; and if she will make a statement on the matter. [34823/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

214. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if an embargo applies in respect of recruitment to the health

[Mr. Kenny.]

service area in general; the restrictions and nature of such embargo if applicable; and if she will make a statement on the matter. [34829/05]

Tánaiste and Minister for Health and Children (Ms Harney): There is at present no embargo on recruitment to any area of the health services nor is there any plan to introduce one. The health service operates with an employment ceiling in line with the Government policy to control numbers employed in the public service generally. The 2005 employment ceiling for the health service is 97,550 in whole time equivalent terms.

Employment levels for the health service have been adjusted since 2002 in line with Government policy on public sector employment and also to take account of specific policy measures aimed at increasing service levels for patients. It is a matter for the Health Service Executive, as part of the management of its employment ceiling, to determine the appropriate staffing mix required to deliver upon their service plan priorities.

Medical Cards.

215. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if, further to previous written parliamentary questions, she will establish with the Health Service Executive if the practice of charging top-up fees for chiropody services to elderly medical card holders still continues, particularly in the Health Service Executive Dublin area; her views on whether this charge is appropriate; if discussions have taken place between her Department and the Health Service Executive; and if she will make a statement on the matter. [34863/05]

Tánaiste and Minister for Health and Children (Ms Harney): It is inappropriate for chiropodists to charge a top-up fee to patients that are receiving services provided by way of contractual agreements between the Health Service Executive and chiropodists. I am aware that prior to the setting up of the HSE, the practice regarding the provision of community chiropody services varied from one health board to another. My Department has recently asked the HSE to initiate a review of the fee arrangements in place for the provision of these services.

Health Services.

216. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in respect of a person (details supplied) in County Wicklow who is on a waiting list for an orthopaedic chair, railing, and so on; and if she will make a statement on the matter. [34865/05]

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.

217. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children if there is co-ordination between her Department, the Health Service Executive and the Department of Education and Science with funding and resourcing of speech and language therapy, occupational therapy and psychological services for pre-school, primary and secondary students; and if she will make a statement on the matter. [34914/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department consults with the Department of Education and Science in respect of policy related to the co-ordination and overall planning for the delivery of health related support services to children with special educational needs.

The management and delivery of health and personal social services under the Health Act 2004 are the responsibility of the Health Service Executive. The executive works with the National Council for Special Education to co-ordinate liaison arrangements at local and regional level which will assist in delivering health related support services in the most effective and appropriate manner to those children who require them.

While there has been a significant investment in this area in recent years, the Health Service Executive continues to experience ongoing difficulties in meeting the demands for speech and language therapy, occupational therapy and psychological services for pre-school, primary and secondary students.

My Department has taken a number of initiatives to address issues related to increasing the availability of appropriately trained personnel in these areas and the Government is committed to enhancing overall capacity in these services as part of the implementation of the national disability strategy.

Child Abuse.

218. **Ms Burton** asked the Tánaiste and Minister for Health and Children the estimated cost of the concluded inquiry into the diocese of Ferns and child sexual abuse; the cumulative costs incurred by her Department in respect of all inquiries relating to Ferns, specifically legal fees and other professional fees and the cost of Civil Service time; if the Catholic Church and the diocese of Ferns will be required to pay any part of the cost; the parties which may be awarded their costs for assisting the inquiry; and if she will make a statement on the matter. [34915/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): To date, inquiries

into the diocese of Ferns have cost €2,379,264.17. The costs are broken down in the table below.

Invoices for legal representation have been received from the diocese of Ferns and from one individual. The Government has not made a

decision on the payment of these costs and the advice of the Attorney General has been sought with the intention that a Government decision will be made in due course.

	Birmingham Enquiry	Ferns Inquiry
	€	€
Legal Fees (incl. Solicitors, Senior Counsel etc.)	319,837.31	928,150.00**
Professional Fees	—	29,925.00**
Administrative Costs (incl. Researchers, Receptionist, Transcripts etc.)	15,089.91	438,932.90**
Rent/ Service Charges/ Insurance	81,716.70	456,417.72
IT (Supplies, Training etc.)	—	33,575.47
Advertising Costs	7,217.40	50,823.31
Printing Costs	—	6,015.00
Miscellaneous Expenses	—	11,563.45
Total Costs (incl. VAT)	423,861.32	1,955,402.85
Cost of Civil Service Time	—	170,683.56*

*1 × CO & 1 × AO from March 2003–November 2005.

**Includes invoices pending payment.

Women's Refuges.

219. **Ms Burton** asked the Tánaiste and Minister for Health and Children the support her Department can give to the long standing proposals to establish a small refuge for women and children who are suffering from family violence in Dublin 15; if her attention has been drawn to the fact that a suitable site was identified by Fingal County Council for the purposes of such a refuge and the planning agreed by Fingal County Council over a protracted period of time; if the Health Service Executive and the Northern Area of the Health Service Executive has strongly supported this proposal; and if she will make a statement on the matter. [34917/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy. The responsibility for the provision of refuges lies with the Department of the Environment, Heritage and Local Government.

Hospital Waiting Lists.

220. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the maximum support and assistance will be given to a person (details supplied) in Dublin 5 who is on a hospital waiting list. [34918/05]

Tánaiste and Minister for Health and Children

(Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

221. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children what provision there is for financial assistance for cosmetic needs for cancer patients; if her attention has been drawn to the fact that assistance available varies greatly between different Health Service Executive areas; if the need to improve and standardise supports offered will be investigated; and if she will make a statement on the matter. [34919/05]

Tánaiste and Minister for Health and Children

(Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this matter investigated and to have a reply issued directly to the Deputy.

222. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of women in County Kerry awaiting a mammogram at Kerry General Hospital; the

[Ms B. Moynihan-Cronin.]

number of women in County Kerry awaiting a mammogram at Cork University Hospital; and if she will make a statement on the matter. [34920/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this matter investigated and to have a reply issued directly to the Deputy.

223. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the length of time a person must wait for an MRI scan when referred by the general practitioner in each health service region; and if she will make a statement on the matter. [34977/05]

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.

Tax Code.

224. **Mr. Kenny** asked the Minister for Finance the Government's position in relation to a person who is living in Donegal but working for a company in Northern Ireland, driving a company car registered in Northern Ireland and who subsequently finds the car is seized by customs in Donegal; and if he will make a statement on the matter. [34789/05]

Minister for Finance (Mr. Cowen): I am not sure whether the Deputy is referring to a specific case but in reply to his questions I am advised by the Revenue Commissioners that in accordance with section 135 of the Finance Act 1992, a State resident is not entitled to drive foreign registered category A vehicles in the State without the permission of the Revenue Commissioners. Standard passenger cars come within the definition of a category A vehicle. Under certain conditions, current legislation does make provision for residents of the State to drive foreign registered commercial vehicles.

The Revenue Commissioners have advised me of a recent decision of the European Court of Justice in this area, case C-464/02 of 15 September 2005. This relates to the right, under certain circumstances, of persons resident in a certain member state to drive, while travelling in

that member state, vehicles registered in another member state supplied by their employer in that other member state. The impact of this judgement is currently being reviewed. Pending this review, officers have been instructed not to seize vehicles in such circumstances and persons or companies who have encountered difficulties in this regard are advised to contact the Office of the Revenue Commissioners, Áras Ailigh, Bridgend, County Donegal.

As an interim measure, the Revenue Commissioners will grant relief to State residents to drive foreign registered vehicles in the circumstances outlined, subject to the following conditions: the person is employed directly by an employer who is "a person established outside the State"; the vehicle in question is owned or leased by that employer; use of the vehicle in the State will be confined to the employee only; and the vehicle may not be disposed of in the State.

If the Deputy is aware of any person who had a vehicle seized in these circumstances, they should contact the Office of the Revenue Commissioners at the above address in the first instance.

225. **Mr. Howlin** asked the Minister for Finance the reason share fishermen and crewmen of fishing vessels are deemed by the Revenue Commissioners to be self employed for tax purposes, while under section 2(3)(c) of the Safety, Health and Welfare at Work Act 2005 are deemed to be employees of owners or skippers; his views on whether this difference in status requires amendment; and if he will make a statement on the matter. [34768/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the question of whether an individual, including share fishermen and crewmen of fishing vessels, is either employed or self employed is, not alone for tax purposes but for many other purposes, a question of general law and determined having regard to the facts and circumstances of each case. In brief, the courts have found that all the possible factors, including written, oral and implied factors, which bear on the relationship between two parties must be examined, given their proper weight and a judgement made about their overall effect to determine whether one such party is an employee of the other.

Similarly, in the case of share fishermen and crewmen of fishing vessels, the precise terms of each individual's engagement, whether written, oral or implied, must be examined to determine whether such individual is either employed or self employed. Revenue and the Department of Social and Family Affairs have prepared guidelines to assist employers and workers to determine whether an individual is employed or self employed and the Deputy may wish to note that for tax purposes some share fishermen and crew-

man of fishing vessels are employees whilst others are self employed.

On the other hand, I am informed by the Department of Enterprise, Trade and Employment that a “share fisherman” is deemed under section 2(3)(c) of the Safety, Health and Welfare at Work Act 2005 to be an employee of the owner or skipper of fishing vessel where he or she is remunerated by a share in the catch or the profits or gross earnings of the vessel. The purpose of this is to ensure that a person who works on a fishing vessel, other than as a skipper or as an owner, is given the protective rights of an employee under the Act even if he or she is not an employee.

Where a person, although not an employee, is deemed to be an employee, such deeming is only for the purposes of the specific statute: for example, the deeming under section 2(3)(c) of the Safety, Health and Welfare at Work Act 2005 of share fishermen and crewmen of fishing vessels to be employees of the owners or skippers of a fishing vessel is very narrow and is only for the purposes of that Act. There are no proposals under consideration to change the tax legislation so as to deem all share fishermen and crewmen of fishing vessels to be employees for tax purposes of the owners or skippers of a fishing vessel.

Decentralisation Programme.

226. **Mr. Ó Fearghail** asked the Minister for Finance his views on the use of a site at Magee Barracks, Kildare Town, for the Government Offices that it is proposed to decentralise to the town; if his attention has been drawn to the fact that area action plan for the 60 acre site currently being finalised by Kildare County Council, provides for such an eventuality; and if he will make a statement on the matter. [34769/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that, following discussions with Kildare County Council, it was agreed that provision would be made in the area action plan for Kildare town to accommodate a decentralisation office.

Tax Code.

227. **Mr. Ó Fearghail** asked the Minister for Finance his views on the contention of the SIMI that there would be an overall benefit to the Exchequer in a 2.5% reduction in each of the VRT rates, as set out in its pre-budget submission; and if he will make a statement on the matter. [34770/05]

Minister for Finance (Mr. Cowen): A 2.5% reduction in VRT rates, as proposed by SIMI, would cost approximately €164 million in 2006. I have no comment on the SIMI contention. However, as has been said to SIMI before, if one

believes that cutting the price of cars will generate proportionately more additional revenue, then there would seem to be no reason why car dealers should not do so themselves to increase their sales revenues and consequent profits. I am informed that it would take additional sales of 18,000 new cars per annum to offset a VRT cut of 2.5%.

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.

Tax Yield.

228. **Mr. Morgan** asked the Minister for Finance the amount of revenue which would be raised from a 50c increase on a packet of cigarettes based on 2004 figures. [34771/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the amount of revenue that would be raised from a 50c increase on a packet of 20 cigarettes, based on the volume of clearances in 2004, is €107.2 million.

Tax Code.

229. **Caoimhghín Ó Caoláin** asked the Minister for Finance the number of taxation cases referred to the Ombudsman; the number of decisions taken by the Ombudsman that required repayments by the Revenue Commissioners; the number of these cases where the Revenue Commissioners repaid in full the sum identified; the number of cases where the Revenue Commissioners repaid a lesser sum than that recommended; the number of cases where the Revenue Commissioners have refused to respond; and if he will make a statement on the matter. [34772/05]

Minister for Finance (Mr. Cowen): I understand that the Deputy is seeking this information in respect of all taxation cases referred to the Ombudsman since the date on which the Ombudsman Act 1980 came into operation. The conduct of the necessary search and retrieval of the relevant records will require a number of weeks. I will arrange to have the information forwarded to the Deputy as soon as it becomes available.

Fiscal Policy.

230. **Dr. Cowley** asked the Minister for Finance his views on whether financial allocation towards schools here needs to be addressed in budget 2006 in order that 12 to 19 year olds can realise their potential; his plans for investment in education here; and if he will make a statement on the matter. [34773/05]

Minister for Finance (Mr. Cowen): I will present budget 2006 to the Dáil on 7 December

[Mr. Cowen.]

2005. As is normal, I will not comment on the contents of the budget in advance of that date.

Tax Code.

231. **Ms Harkin** asked the Minister for Finance if he has made a decision regarding the extension of the closing date for property based tax incentive schemes. [34774/05]

Minister for Finance (Mr. Cowen): In budget 2005, I announced that my Department and the Office of the Revenue Commissioners would be 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.

Inland Waterways.

232. **Mr. English** asked the Minister for Finance if the Office of Public Works will carry out a traffic survey of bridge users, a structural survey of the bridge, a subsidence survey due to excessive volume of traffic at a bridge over the River Boyne at Stackallen, County Meath, with a view to implementing a major programme of works to upgrade this aging bridge; if the canal locks on each side of the weir to bring the area up to a proper amenity and recreational level will be reinstated; and if he will make a statement on the matter. [34775/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have no responsibility with regard to the bridge in question. The issues raised are matters for the Departments of the Environment, Heritage and Local Government and Arts, Sports and Tourism.

Tax Code.

233. **Mr. Lowry** asked the Minister for Finance if the artists exemption will be retained in budget 2006; and if he will make a statement on the matter. [34780/05]

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. I do not intend to depart from that approach.

234. **Mr. Lowry** asked the Minister for Finance the strategies under consideration by his Department for tackling the child care crisis in budget 2006; and if he will make a statement on the matter. [34781/05]

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. I do not intend to depart from that approach.

Public Service Contracts.

235. **Ms O'Donnell** asked the Minister for Finance the status of plans to introduce fixed price contracts for future public projects; the way in which such contracts might be framed in order to ensure proper standards of construction, viability of smaller firms and the pay and conditions of workers are maintained; and if he will make a statement on the matter. [34782/05]

Minister for Finance (Mr. Cowen): As the Deputy will be aware, the Government decided in May 2004 to reform construction procurement so that greater cost certainty, better value for money and more cost effective delivery of capital works projects can be achieved. My Department, with the assistance of the Government contracts committee for construction, GCCC, specialist legal drafters and external technical expertise, has developed a suite of new draft standard forms of contract and conditions of engagement for construction related services to give effect to this decision. The aim of these documents is to move towards fixed price, lump sum contracts which are tendered on a competitive basis with optimum risk transfer.

Consultation with the construction industry and the relevant professional bodies on these draft documents took place from the end of July of this year until late October. My Department and the GCCC have examined in detail the issues raised and concerns expressed during this phase of consultation and responded formally to the industry and professional body representatives. It is intended to complete the consultation process as soon as possible and have the new contracts available for use in early 2006.

The draft contracts include a provision which requires contractors to ensure pay and conditions of employment comply with the law and are not less favourable than the terms of the registered employment agreements for the construction industry for those employees to whom the agreements apply. I appreciate the concerns of small and medium sized enterprises in the construction sector. To help address some of their concerns separate contract conditions will be developed to deal with minor works.

Tax Code.

236. **Ms O'Donnell** asked the Minister for Finance the position regarding his Department's and the Office of the Revenue Commissioner's review of the tax exemption for artists under the Finance Act 1969 and section 195 of the Taxes Consolidation Act 1997; the value of the exemption; if a conclusion has been reached as to the retention or otherwise of this specific exemption; and if he will make a statement on the matter. [34783/05]

Minister for Finance (Mr. Cowen): The tax exemption for artists is under review in the context of the budget. 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. I do not intend to depart from that approach.

I am informed by the Revenue Commissioners that the latest relevant and sufficiently complete information available from tax returns is in respect of the income tax year 2002. The cost of the exemption to the Exchequer in that year was approximately €23 million.

237. **Mr. Morgan** asked the Minister for Finance the number of cases in which claims by organisations to have been established for charitable purposes have been found by the Revenue Commissioners to be false after granting such an organisation an exemption from tax; and the amount of defrauded tax which has been recovered on each such occasion. [34816/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners' role in relation to charities is the determination of entitlement to tax exemption on funds applied for charitable purposes. In that context, Revenue has informed me that detailed procedures are in place towards ensuring that the initial application by each body meets the criteria for charitable exemption. Full details on the application process are set out in information booklet CHY1, Applying for Relief from Tax on the Income and Property of Charities, which can be found on the Revenue website, www.revenue.ie. In addition, Revenue operates a number of controls and monitoring procedures on bodies to which they have granted charitable exemption.

Revenue has informed me that it has no record of any case where the claim to have been established for charitable purposes was found to be false after the application was granted. Where the tax exemption has been withdrawn in certain instances, it has generally been the case that the charity has either become defunct or has failed to comply with the conditions attaching to exemption such as the submission of annual accounts or other details.

Disabled Drivers.

238. **Mr. Timmins** asked the Minister for Finance the position in relation to a person (details supplied) in County Wicklow who has applied to the disabled drivers medical board of appeal for a medical certificate for disabled drivers; and if he will make a statement on the matter. [34866/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers tax concessions scheme. Queries about individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin, or by telephone at 01 2355279.

239. **Mr. Timmins** asked the Minister for Finance the position is in relation to a person (details supplied) in County Wicklow who has applied to the disabled drivers medical board of appeal for a primary medical certificate; and if he will make a statement on the matter. [34867/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers tax concessions scheme. Queries about individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin, or by telephone at 01 2355279.

Pension Provisions.

240. **Mr. Bruton** asked the Minister for Finance the number of persons employed in the public sector distinguishing the pension contribution made by different categories of worker and indicating the corresponding employer contribution. [34871/05]

Minister for Finance (Mr. Cowen): The Minister for Finance has statutory responsibility for Civil Service pensions only. The statutory responsibility for other public service and public sector pension schemes rests with the relevant Ministers. The normal usage is that the term "public service" does not include commercial State companies while the term "public sector" does include them.

In general, public service pension schemes operate on a pay as you go basis. There is, therefore, no explicit employer contribution. A few funded schemes are in place in non-commercial bodies but they are more common in commercial State bodies. The contribution rates and benefits for these schemes vary from scheme to scheme. The contribution rules vary depending on whether a person entered public service employment before 6 April 1995. I have been advised that the contribution rates in the main public service schemes are set out as in the table.

[Mr. Cowen.]

		Pre-1995	Post-1995
Civil Service Main Scheme	Established	No explicit contributions	1.5% of gross pensionable remuneration + 3.5% of co-ordinated remuneration. Co-ordinated pay is gross pensionable remuneration less twice the Old Age Contributory Pension
	Unestablished	No explicit contributions	No explicit contributions
Civil Service Spouses & Children's (S&C)	Established	1.5% of basic pay	1.5% of gross pensionable remuneration
	Unestablished	1.5% of co-ordinated remuneration	1.5% of co-ordinated remuneration
Garda Síochána		1.75% of gross pensionable remuneration	1.5% of gross pensionable remuneration + 3.5% of co-ordinated remuneration
Garda Spouses & Children's		1.5% of gross pensionable remuneration	1.5% of gross pensionable remuneration
Defence Forces	Enlisted Personnel	No explicit contributions	No explicit Contributions
	Commissioned Officers	No explicit contribution	1.5% of gross pensionable remuneration + 3.5% of co-ordinated remuneration
Defence Forces Spouses & Children's	Enlisted Personnel	1.5% of four times the amount of Spouses pension (somewhat less than 1.5% of gross pensionable remuneration)	1.5% of four times the amount of Spouses pension (somewhat less than 1.5% of gross pensionable remuneration)
	Commissioned Officers	1.5% of gross pensionable remuneration	1.5% of gross pensionable remuneration
Local Authorities	Full PRSI	1.5% of gross pensionable remuneration + 3.5% of co-ordinated remuneration	1.5% of gross pensionable remuneration + 3.5% of co-ordinated remuneration
	Modified	5% of gross pensionable remuneration	5% of gross pensionable remuneration
Local Authority Spouses & Children's	Full PRSI	1.5% of co-ordinated remuneration	1.5% of co-ordinated remuneration and 1.5% of gross remuneration in certain cases.
	Modified	1.5% of gross pensionable remuneration	1.5% of gross pensionable remuneration

A new pension scheme will apply to new entrant military personnel who join the Defence Forces on or after 1 April 2004. The terms of this scheme are under discussion with the Defence Forces representative associations. It is envisaged that contribution rates under the new scheme will follow standard public service pension lines.

Both the health and education sectors have the same rates as the local authority sector. A small number of employees who are employed in VECs and institutes of technology and did not opt to join the revised local government superannuation scheme 1990 retain benefits which vary from the standard and pay contributions at 4%. In relation to the spouses' and children's scheme, all teachers who are members of the scheme post-1995 pay contributions to that scheme at a rate of 1.5% of gross pensionable pay.

In local authorities the only sizeable exception is 721 members of the local government superannuation scheme whose benefits vary from the standard and whose contribution rate is 4%.

In general, non-commercial State bodies are similar to the Civil Service for post-1995 staff, although some bodies have contributory schemes for pre-1995 staff. Contribution rates in commercial State bodies vary from scheme to scheme.

The numbers serving in the public service are as follows:

Public Service	Serving end June 2005
Civil Service [Non Industrials]	35,288
Civil Service [Industrials]	1,857
Health Sector	100,934
Education Sector	81,028
Defence	11,553
Gardaí	12,176
Local Authorities	33,643
Non Commercial Semi-States	9,103
Total	285,582

Tax Code.

241. **Mr. Morgan** asked the Minister for Finance the reason a reduced rate of VAT of 4.4% is applied to live greyhounds and the hire of horses; the amount of VAT raised in 2004 in respect of each of these two items; and the amount which would be raised in respect of each of these two items, in 2004 terms, if VAT was charged on them at the standard rate of 21%. [34872/05]

Minister for Finance (Mr. Cowen): Prior to 1 January 1991, the supply of live greyhounds and live horses was exempt from VAT by way of a derogation from the terms of the sixth VAT directive. The adoption of the 18th VAT directive meant that certain derogations which were allowed for under the terms of the sixth VAT directive had to be abolished with effect from 1 January 1991. Two such derogations related to Ireland's exemptions on supplies of horses and live greyhounds.

Following the removal of the exemption on the supply of live horses and greyhounds, it was decided that the definition of "livestock" should be changed in order that such supplies could be treated in the same way as supplies of other livestock and taxed at the VAT rate applicable to

livestock, which is currently 4.8%. I am informed by the Revenue Commissioners that the amount of VAT collected in respect of the supply of live horses and greyhounds cannot be identified in the overall yield of VAT, as the information furnished on VAT returns does not require this to be identified.

242. **Ms Burton** asked the Minister for Finance the number of persons who have benefitted from the taxation allowance for professional sports people; the sports which they represent and the total cost of such relief for 2002, 2003, 2004 and 2005; the highest relief and the average relief granted in each year. [34971/05]

Minister for Finance (Mr. Cowen): The categories of sportspersons which can avail of this tax relief are listed in Schedule 23A of the Taxes Consolidation Act 1997, which provided higher contribution limits for retirement annuity purposes. These categories are an athlete, badminton player, boxer, cyclist, footballer, golfer, jockey, motor racing driver, rugby player, squash player, swimmer and tennis player. I am informed by the Revenue Commissioners that the information available in regard to individuals availing of the relief relates to preliminary data for claims in respect of the income tax years 2003 and 2004, which have been made via the ROS, Revenue online, system and is set out as follows.

Year	Number of claimants	Amounts claimed for deduction	Estimated cost to the Exchequer**	Highest amount claimed for deduction	Average amount claimed for deduction
		€	€	€	€
2003	5	75,162	26,307	63,687	15,032
2004	6	58,322	20,413	21,430	9,720

** Calculated at an assumed average rate of 35 percent.

Any claims which may have been received for years prior to 2003 are dealt with separately and the amounts involved are not centrally recorded. There is, therefore, no basis on which to provide the information requested in respect of those applications. The obligation of the Revenue Commissioners to observe confidentiality in relation to the taxation affairs of individual taxpayers and small groups of taxpayers precludes them from providing a breakdown by type of sport of the claimants who have to date claimed the sportsperson's retirement relief.

Registration of Title.

243. **Mr. Eamon Ryan** asked the Minister for Finance the procedure which has to be followed to allow the transfer of title to a local authority for public open space lands which are in his possession as a result of the liquidation of a private development company; if he holds title to a section of public open lands (details supplied) as a result of the liquidation of a company (details

supplied) which had been the original developer of the houses on the road in question; if proceedings have commenced to allow the transfer of the title for the lands to South Dublin County Council; if impediments exist to the possible transfer of this title; and if he will make a statement on the matter. [34976/05]

Minister of State at the Department of Finance (Mr. Parlon): I am advised by the Chief State Solicitor that the usual procedure for dealing with dissolved companies where properties are not held on trust for another person is by way of deed of waiver. However, this is not applicable in this instance for the following reasons. The question of ownership by the Minister therefore does not arise in this instance. Section 28(2) of the State Property Act 1954 states: Where a body corporate is dissolved, either before, on or after the operative date, the following provisions shall apply and have effect and, in the case of a body corporate dissolved before the operative date, be

[Mr. Parlon.]

deemed to have applied and to have had effect as from such dissolution, that is to say:—

(a) all land which was vested in or held in trust for such body corporate immediately before its dissolution (other than land held by such body corporate upon trust for another person) shall immediately upon such dissolution, become and be the property of the State, subject however to any encumbrances or charges affecting the land immediately before such dissolution.

With regard to the private development company in question, no documentation has been furnished to date proving title to the property which it purported to dedicate to Dublin County Council by agreement dated 29 July 1982. Evidence of title is always required in considering whether from a legal point of view, the property has vested in the State and a waiver can be considered. Furthermore, section 28 does not apply where land is held by a body corporate upon trust for another person, as stated in brackets in the excerpt cited. As the property was dedicated to Dublin County Council, the dissolved company was holding the property on trust for the public and accordingly the provisions of the State Property Act do not apply.

Postal Services.

244. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he has taken either directly or through the regulator with the objective of broadening the business base of An Post with a view to upgrading and extending the services to a greater number of consumers with consequent benefit to the economy and the future of the postal services here; and if he will make a statement on the matter. [34647/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 94 of 16 November 2005.

Question No. 245 answered with Question No. 145.

Question No. 246 answered with Question No. 117.

Television Licence Fee.

247. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions for the distribution of the television licence reserve fund; the full extent of this fund to date in 2005; if he expects to bring in the necessary legislation to deal with this issue in early course; and if he will make a statement on the matter. [34651/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 167 of 16 November 2005.

Telecommunications Services.

248. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he or his Department directly or through the regulator have received any reports of bullying, intimidation or stalking through the Internet or mobile telephone systems by voice or message; and if he will make a statement on the matter. [34652/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As Minister for Communications I have overall responsibility for electronic communications policy but neither I nor the Commission for Communications Regulation, ComReg, the independent regulator, have any responsibility for the actions of persons who use electronic communications networks or services for bullying, stalking or intimidation activities.

By definition, legislation is already in place to prosecute illegal activities, whether they are perpetrated using mobile telephones or other media. The Deputy is aware that the possibilities for carrying out illegal activity via any medium are infinite. Much of the criminal activity perpetrated using electronic communications networks is legislated for according to the offence and not the medium by which it was committed. Some such legislation actually predates the advent of electronic technology. Legislating to combat these offences does not always fall under my remit, nor in these instances are they the responsibility of ComReg.

The Deputy is also aware that it is an offence under section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by telephone any message or other matter which is grossly offensive or of an indecent, obscene or menacing character. It is also an offence under section 10 of the Non-Fatal Offences Against the Person Act 1997 to harass a person by use of any means including by use of a telephone.

Furthermore, the Irish Cellular Industry Association, ICIA, has published a parent's guide to mobile telephones, which aims to inform parents of some key safety tips which will encourage responsible and secure use of mobile telephones by their children. A copy of the guide, which addresses the subject of bullying and malicious communications, is available on the ICIA website at www.icia.ie. Anyone who has information on these matters should bring it immediately to the attention of the Garda Síochána for criminal investigation.

249. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if local loop unbundling or other requirements to facilitate broadband or other telecommunications provision or expansion has been completed to date in 2005; and if he will make a statement on the matter. [34654/05]

250. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if achievements to date in 2005 in respect of local loop unbundling are adequate to facilitate the development of the communications industry with particular reference to ready availability to the consumer; and if he will make a statement on the matter. [34655/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 249 and 250 together.

I refer the Deputy to my reply to Questions Nos. 103, 135 and 175 answered on 16 November 2005.

251. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received any indications of DSL failure rate here; and if he will make a statement on the matter. [34656/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 130 answered on 16 November 2005.

Questions Nos. 252 and 253 answered with Question No. 145.

Questions Nos. 254 and 255 answered with Question No. 146.

Electricity Generation.

256. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has sought or received any information from the regulator or issued any instructions in regard to easier access to the grid; and if he will make a statement on the matter. [34661/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function regarding national grid access, which is primarily a matter for ESB national grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999 and I have no power to issue directions of the type referred to.

Question No. 257 answered with Question No. 107.

Broadcasting Legislation.

258. **Mr. Durkan** asked the Minister for

Communications, Marine and Natural Resources the way in which he proposes to develop the broadcasting industry in the future with particular reference to the appropriate mix of public and private interest; and if he will make a statement on the matter. [34663/05]

259. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that broadcasting in the future is likely to develop with due regard for the current and emerging needs of the consumer; and if he will make a statement on the matter. [34664/05]

260. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects to make final decisions in respect of broadcasting in the future; and if he will make a statement on the matter. [34665/05]

261. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to his preferred options in respect of public and private broadcasting; and if he will make a statement on the matter. [34666/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 258, 259, 260 and 261 together.

I refer the Deputy to my answer to Question No. 91 on 12 October 2005.

Television Reception.

262. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the provision of digital television and associated services; and if he will make a statement on the matter. [34667/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answers to Questions Nos. 99, 132 and 173 of 12 October 2005.

Questions Nos. 263 to 266, inclusive, answered with Question No. 121.

Telecommunications Services.

267. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has sought or received any explanation directly or through the regulator as to the reason the provision of high speed broadband here is lagging behind most European competitors; and if he will make a statement on the matter. [34672/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the

[Mr. N. Dempsey.]

Deputy to my answer to Question No. 101 of 16 November 2005.

268. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on whether the provision of broadband facilities for 2005 is unlikely to meet the targets he set; and if he will make a statement on the matter. [34673/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 116 of 16 November 2005.

269. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if any test exists to evaluate or compare the cost of telecommunication services generally here with those available in other European countries with particular reference to ensuring that customers here have access to the widest degree of up-to-date modern services in line with developments elsewhere in Europe and worldwide; and if he will make a statement on the matter. [34674/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 111 of 16 November 2005.

Postal Services.

270. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the provision of postal services in the future and the retention of the maximum number of post offices; and if he will make a statement on the matter. [34675/05]

311. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he proposes to issue any policy directive in regard to the future of An Post and the post offices including sub-post offices, having particular regard to his preferred options in the future; and if he will make a statement on the matter. [34960/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 270 and 311 together.

I believe there will continue to be a key national role for An Post, both in delivery of mails and as a quality service provider through its nationwide network of post office outlets. However, there is universal agreement that change is required if the postal services of An Post are to adapt to the modern business environment and to continue to offer a top class nationwide delivery service to the customer into the future. As a commercial company, the long-

term viability and financial security of the company is the responsibility of the board and management of An Post.

With this in mind, the board and management of An Post have presented a recovery plan, incorporating details of proposed new collection and delivery arrangements, which is vital to the re-establishment of the company on a more secure financial footing. The plan has assumed significant changes in work practices, tariff increases and the payment of wage increases. It sets out the way forward for the company. Adoption of restructuring that delivers real change is the only way that An Post can re-establish itself on a firm financial footing.

With regard to the post office network, as clearly set out in the programme for Government, this Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network. Notwithstanding the commercial remit of An Post, there is clear Government recognition of the social benefits of maintaining the nationwide post office network. Accordingly, An Post development strategies for the network continue to take full account of these social benefits.

The An Post network comprises the single largest number of retail outlets in the country. In the European context, Ireland still has the highest number of post offices per head of population. In recent years some network restructuring has been undertaken. This activity is in line with similar trends across Europe. In addition to the post office network, An Post has also established 2,864 Postpoint outlets in retail premises of which 600 can be used for bill payment.

It is the Government's objective to maintain the largest, economically sustainable post office network possible. The challenge for all stakeholders in An Post is to generate sufficient profitable business to maintain the network at its current size. While the Government will support the network in any way it can and has demonstrated its commitment in a tangible fashion, with a €12.7 million capital injection in 2003, the way forward is for An Post to enhance existing services and, building on existing strengths to develop new product offerings.

The network has a high footfall and to capitalise on these advantages it is essential that existing and new services are developed to meet customer requirements. The network also has the capacity and potential to deliver more private business especially in financial services and opportunities are actively being pursued by An Post in this area. Indeed, on foot of substantial investment in computerisation, a significant amount of extra business has already been obtained for the network in terms of banking and utility business. At present, 95% of An Post's business is conducted through automated offices.

I have also asked the company to ensure that any strategy for the development of the company

should ensure the long-term viability of the post office network and, in this light, An Post is currently working on a new initiative which could see the development and expansion of the range of financial services that it can deliver through its network of post offices. If successful, it could lead to a significant increase in post office business and contribute to the viability of the network.

Mobile Telephony.

271. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of mobile telephone service providers; the extent to which this is likely to change in the future; and if he will make a statement on the matter. [34676/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function with regard to the number of mobile telephone service providers in the market. The regulation of telecommunications service providers is the responsibility of the independent regulator, the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and regulations made under the EU regulatory framework for electronic communications.

Questions Nos. 272 and 273 answered with Question No. 140.

Telecommunications Services.

274. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he directly or through the regulator has examined the implications for the customer arising from recent or proposed takeovers or mergers in the telecommunications area, both landline and wireless; and if he will make a statement on the matter. [34680/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 110 of today.

275. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the areas in respect of which the greatest progress has been made in the past 12 months in the provision of high speed telecommunication services including broadband; and if he will make a statement on the matter. [34681/05]

306. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will report on the availability of high speed broadband on a county basis; and if he will make a statement on the matter. [34954/05]

307. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

the extent to which broadband delivery has been achieved to date through DSL, fibre, fixed, wireless, leased lines, cable or satellite in the past 12 months; the likely growth in the future under each heading; and if he will make a statement on the matter. [34955/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 275, 306 and 307 together.

The provision of telecommunications, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the independent Commission for Communications Regulation, ComReg.

In 2004 there were over 80 Internet service providers. Today there are over 156 companies listed by ComReg, with at least 45 different broadband offerings across a variety of technologies, including DSL, fibre, cable, leased lines and satellite technology. Wireless broadband technology is improving rapidly, and the lowering of equipment prices has made this technology much more attractive of late. The use of fixed wireless local access is increasing, especially in rural areas that cannot obtain ADSL connectivity, and the development of Wi-Max offers considerable potential in the future.

In essence, there are broadband technologies that can deliver broadband to virtually any broadband customer in Ireland right now. The rate of uptake is dependent on access by the service providers to suitable infrastructure. The latest quarterly data report from ComReg on broadband delivery rates indicates that broadband subscriptions have grown by 15% in the last quarter and stand at 175,000. DSL remains the largest platform for broadband access, representing 80% of subscriptions and a growth rate of 44% in the last quarter.

Fixed wireless broadband services have exhibited the fastest growth in subscriptions in the broadband market. Cable subscriptions have grown by 25% in the quarter and represent around 8% of total broadband subscriptions.

The Government is addressing the infrastructure deficit in the regions by building high speed open access metropolitan area networks, MANs, in 120 towns and cities nationwide, on a phased basis in association with the local and regional authorities. Phase one of this programme has delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget.

This programme has been extended to a further 90 towns in various locations nationwide. Design and procurement has already commenced in several regions and construction is due to start early in 2006. It is expected that these MANs will be completed during 2006 and 2007. These metropolitan area networks will allow the private sector

[Mr. N. Dempsey.]

to offer world class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities to become self-sufficient in broadband through the county and group broadband scheme. The scheme is technology neutral, allowing the community to select the most suitable broadband delivery platform for the area.

A joint industry-Government fund of €18 million has been established for the broadband for schools programme, which will provide every school in the country with broadband by the beginning of 2006. The construction-installation phase is now under way and the project is on target for completion within the set timeframe.

Question No. 276 answered with Question No. 113.

Question No. 277 answered with Question No. 125.

Postal Services.

278. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on whether his threat to privatise the postal services was helpful in the context of negotiations between An Post management and workforce; and if he will make a statement on the matter. [34684/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 118 of today.

279. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had any discussions with postmasters or sub-postmasters with a view to enabling the development, upgrading and expansion of the services available through the post office; and if he will make a statement on the matter. [34685/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 170 of today.

280. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in the course of his recent discussions or correspondence with An Post ascertained the number of post offices closed or threatened with closure in the past 12 months; if such proposals are likely to enhance the scope and scale of the postal services and thereby their viability; and if he will make a statement on the matter. [34687/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 187 of today.

Electricity Generation.

281. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the cost of access to the grid is a contributory factor in respect of energy costs, including alternative energy; and if he will make a statement on the matter. [34688/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in relation to national grid access, which is primarily a matter for ESB National Grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999, and I have no power to issue directions of the type referred to.

Telecommunications Services.

282. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussions, taken any initiatives, issued any directives or received any information from those charged with the responsibility of the provision of broadband services throughout here with a view to a dramatic acceleration in the provision of such facilities in line with his previously announced projections and in line with the provision and availability of such services in other European countries; and if he will make a statement on the matter. [34689/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 141 of today.

283. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has sought or received information directly, through the regulator or from industry, regarding the urgent need for the rapid provision of broadband services here; and if he will make a statement on the matter. [34690/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 101 of today.

Questions Nos. 284 and 285 answered with Question No. 113.

286. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received submissions from the public or private sector with regard to the provision of telecommunications services in the future; and if he will make a statement on the matter. [34693/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 141 of today.

Broadcasting Services.

287. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with sporting organisations with a view to providing free to air coverage to the widest possible audience; and if he will make a statement on the matter. [34694/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 99 of today.

288. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he has taken steps to ensure the availability of the widest possible degree of service of a sporting, business, social, cultural and educational nature to a greater audience through terrestrial television; and if he will make a statement on the matter. [34695/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Question No. 129 of 16 November 2005.

Questions Nos. 289 to 292, inclusive, answered with Question No. 148.

Question No. 293 answered with Question No. 159.

Question No. 294 answered with Question No. 107.

Energy Resources.

295. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has identified the optimum number and location of gas and electricity connectors; and if he will make a statement on the matter. [34707/05]

296. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects gas and electricity connectors to be provided in such a way as to protect continuity and security of supply; and if he will make a statement on the matter. [34708/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 295 and 296 together.

At a bilateral meeting in November 2004, Mr. Barry Gardiner, MP, the then Northern Ireland Minister for Enterprise, Trade and Investment, and I endorsed plans put forward by the Com-

mission for Energy Regulation, CER, and the Northern Ireland Authority for Energy Regulation for the construction of a second North-South electricity interconnector. Planning for the construction of the interconnector is continuing.

Transmission system operators are working on phase one of the project, including technical issues and route selection. This phase is likely to be completed by early 2007. Phase two, the construction phase, will then commence and it is estimated that the interconnector will be operational by 2012. The proposed interconnector will provide increased system security and reliability. It will be a positive step toward further developing competition and will facilitate the development of a fully functioning single electricity market.

In regard to the east-west electricity interconnector, the CER appointed consultants to advise on the financial, technical, commercial and procurement aspects of the development. Phase one of the project, which is now complete, examined procurement options, routing, capacity, ownership and operational parameters. A consultation process was undertaken with all parties that expressed an interest. A decision on how best to take the project forward, whether on a regulated or a hybrid regulated-merchant basis, is the next step. Such determination will be informed by the advice of the CER in the matter. I expect the CER to report to me in the coming weeks.

In recent times, Ireland has developed a high standard of security of gas supply, through robust interconnection with the United Kingdom, to ensure sufficient importation capacity from external sources. We now have two gas interconnectors, with the second ensuring security of gas supply to 2025 and beyond. Ireland's security of supply status is on par with countries such as France, Italy, Sweden and Denmark, all of whom have duplicated sub-sea pipelines to ensure the availability of alternative routes of natural gas supply. In addition, Northern Ireland has a separate line to Scotland and, by the end of 2006, the South-North interconnector will link the two systems.

Under section 19 of the Gas (Interim) (Regulation) Act 2002, the CER is required to prepare and publish an annual forecast of capacity, flows and customer demand on Ireland's natural gas system over a seven-year period. The most recent capacity statement was published on 31 July 2005 and includes a range of possible demand scenarios that may be expected to arise over the coming years. The scenarios incorporate various levels of demand, based on forecasts for the domestic, industrial and commercial, and power generation sectors, while also considering potential timeframes for new indigenous supply.

Electricity Generation.

297. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

[Mr. Durkan.]

if he has given recent direction to the regulator with a view to improving access to the grid with particular reference to cost; and if he will make a statement on the matter. [34709/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regard to the national grid access, which is primarily a matter for ESB National Grid, which is in turn regulated by the Commission for Energy Regulation. The relevant legislation is the Electricity Regulation Act 1999, under which I have no power to issue directions of the type referred to by the Deputy.

Postal Services.

298. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which he proposes to combat junk mail in the event of the introduction of postcodes; and if he will make a statement on the matter. [34710/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am favourably disposed towards the introduction of postcodes because of the case made that a national postcode system would offer significant potential benefits for the postal business, public utilities, businesses in general and consumers, and would facilitate the provision of a wider range of services to them.

In regard to junk mail, An Post is statutorily obliged under section 12 of the Postal and Telecommunications Services Act 1983 to satisfy all reasonable demands for postal services throughout the State. The public receives a wide variety of mail from a number of sources, some of which could be regarded as unsolicited mail, including unaddressed mail material, which may also be delivered by operators other than An Post. An Post itself provides two services called Postaim and Publicity Post Material that allow businesses to address correspondence about their products and services directly to individuals or, alternatively, to have unaddressed publicity brochures delivered to houses in a particular area.

Measures are already in place to manage the impact of direct mailing. Under section 2(7) of the Data Protection Acts 1988 and 2003, individuals have the right to request that they be removed from any direct mailing lists used by businesses. Householders also have the option of limiting the amount of unsolicited mail they receive by completing a mailing preference service form requesting that their names be removed from mailing lists controlled by members of the Irish Direct Marketing Association. The form, available from post offices, goes directly to the association and only applies to addressed mail sent by their members. It has no bearing on mail from any other source or unad-

ressed mail. This will continue to be the position in the event of the introduction of postcodes.

Radio Broadcasting.

299. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his views on whether there is scope for a greater number of local independent radio stations; his further view on whether the licensing regime should be amended to allow for a greater number of stations; and if he will make a statement on the matter. [34711/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Radio and Television Act 1988 and the Broadcasting Act 2001, the Broadcasting Commission of Ireland, BCI, has statutory responsibility for decisions in regard to the licensing of independent radio services. This responsibility includes determining the number of licences to be issued, the nature of such licences and the related franchise areas. The BCI is an independent statutory body and I have no function in regard to licensing decisions.

Telecommunications Services.

300. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has taken steps to combat spam on the Internet at national or international level; and if he will make a statement on the matter. [34712/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My responsibility in regard to the matters raised extends to the development of policy and legislation on the sending of unsolicited e-mails and faxes for direct marketing purposes. Due to concerns raised by member states in regard to the sending of unsolicited e-mails for direct marketing purposes, mobile telephones and other electronic communications media, the EU introduced Directive 2002/58/EC, directive on privacy and electronic communications. This directive was transposed into national law in November 2003 via the Data Protection and Privacy Regulations 2003, SI 535 of 2003. The regulations place restrictions on the sending of unsolicited e-mails for direct marketing purposes via the Internet, mobile telephones and other electronic communications media.

The responsibility for the enforcement of the aforementioned regulations rests with the Office of the Data Protection Commissioner which is an independent body under the aegis of the Department of Justice, Equality and Law Reform. The responsibility for laws to tackle offensive messages sent by e-mail, telephone or fax rests with my colleague the Minister for Justice, Equality and Law Reform and the Garda Síochána.

It is an offence under section 13 of the Post Office (Amendment) Act 1951, as amended by the Postal and Telecommunications Services Act 1983, to send by telephone any message or other matter that is grossly offensive or of an indecent, obscene or menacing character. Furthermore, it is an offence under section 10 of the Non-Fatal Offences Against the Person Act 1997 to harass a person by use of any means including by use of a telephone. Anyone with information in regard to these matters should bring it immediately to the attention of the Garda Síochána.

Question No. 301 answered with Question No. 121.

Postal Services.

302. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of occasions on which he has met with An Post management and unions in the past six months; the subject matters discussed; and if he will make a statement on the matter. [34949/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have met with representatives of An Post management and the chairperson on a total of five occasions in the past six months. Furthermore, officials in my Department continue to meet management in the company on a regular basis.

I have also met with representatives of the main union in An Post twice, the Communications Workers Union, CWU, as well as representatives of the Irish Postmasters Union, IPU, on a total of two occasions. I have listened with interest to the views of all parties concerned in regard to the future of the network. I emphasised to them the importance of an early start to the company's modernisation and that both sides must engage directly, within the parameters of the Labour Court recommendations on the collection and delivery, in order to resolve long standing and deep seated problems besetting the company.

Questions Nos. 303 and 304 answered with Question No. 140.

Television Reception.

305. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which RTE radio and television service extends to Northern Ireland and the United Kingdom; if he has sought or given any direction in this regard; and if he will make a statement on the matter. [34953/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): RTE's mandate to provide radio and television services is defined in section 28(1) of the Broadcasting

Act 2001. This Act states that the national television and sound broadcasting services required to be maintained by RTE shall have the character of a public service, continue to be a free-to-air service and be made available, in so far as is reasonably practicable, to the entire community on the island of Ireland.

In July, I officially launched a new service whereby TG4 would be broadcast in the Belfast area, which has the effect of making TG4 available to more than 90% of the population in Northern Ireland. The provision of this service for Belfast followed on from the Good Friday Agreement under which it was agreed to explore urgently the scope for achieving more widespread availability of TG4 in Northern Ireland.

While RTE's mandate does not extend to making its services available to Irish communities living abroad, RTE has acted in a number of ways that has resulted in its radio or television services being more widely accessible: for example, RTE's long wave and medium wave radio services are available throughout much of the UK and parts of Europe. All of RTE's radio services along with some of its television schedules can also be accessed on-line.

Questions Nos. 306 and 307 answered with Question No. 275.

Postal Services.

308. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the issues which have caused recent and ongoing disputes in An Post and his proposals to address these issues at present; and if he will make a statement on the matter. [34956/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): An Post has been through one of the most intensive industrial relations processes imaginable. At this stage, the dispute at An Post has been before every industrial relations body in the State.

Following the 14 day notice of industrial action served on the company by the Communications Workers Union, which expired on Friday, 4 November, the National Implementation Body at my request has engaged with both sides to the dispute in An Post and is aware that there are significant differences of understanding between the parties regarding the cost and implications of amendments proposed by the union to changes in the collection and delivery sector recommendations made by the Labour Court in July this year.

The National Implementation Body considered that clarifications of the costs and implications of the proposed union amendments are essential to facilitating a resolution of the dispute. On this basis the National Implementation Body has secured the assistance of a firm of accountants to carry out an independent examination into how

[Mr. N. Dempsey.]

much it would cost the company to accede to the union's amendments.

In light of the developments in the National Implementation Body, the Communications Workers Union agreed to a request by the National Implementation Body to defer industrial action until the examination has taken place. The industrial action which took place on Monday, 7 November, the national overtime ban and the strike at the GPO, has been called off. I considered this to be a positive step in the current climate.

The National Implementation Body met yesterday with the management side and the Communications Workers Union and has indicated that the process initiated in conjunction with the accountants would be finalised today. The body proposes to meet with the parties this evening and has requested that the parties refrain from comment and treat the accountants' report as confidential for a period of 24 hours after it is presented.

I have taken a very even handed approach throughout the dispute and have met with all parties including the chairperson, the board, the management and the unions, at key intervals so as to be informed of the critical issues on both sides. The company needs to introduce modern work practices if it is to thrive in a competitive environment. I want to see An Post, an Irish company, delivering a high quality postal service to the Irish people. To enable the company to provide this service, the archaic work practices, that the workers themselves have acknowledged are such, need to be changed.

No blame is being placed on one side or the other. I have stated the facts as they are and the history in An Post over the last ten years has not been great. I now hope that both parties take the opportunity afforded to them through the National Implementation Body to resolve outstanding issues. Business and consumers are entitled to the high quality postal service which the company and its employees are well capable of delivering.

Telecommunications Services.

309. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has given directions to the regulator or through the regulator to the service providers with a view to provision of modern broadband in areas such as the Black Valley in County Kerry; and if he will make a statement on the matter. [34957/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my answer to Questions Nos. 183 and 263 on 12 October 2005.

Question No. 310 answered with Question No. 114.

Question No. 311 answered with Question No. 270.

Question No. 312 answered with Question No. 107.

Question No. 313 answered with Question No. 125.

Broadcasting Services.

314. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has studied the number and content of submissions made to the Broadcasting Complaints Commission; if he intends to respond to these; and if he will make a statement on the matter. [34963/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting Commission of Ireland, which is an independent statutory body, has sought submissions from the public on a number of topics in recent months. These public consultations relate to the exercise by the commission of functions conferred on it by statute and in respect of which I have no role as Minister. Accordingly I have not contributed to the consultations.

Computerisation Programme.

315. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the development of the e-government project; and if he will make a statement on the matter. [34964/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): This Department's e-government programme consist of the following projects.

MAPS, minerals application and programme support, provides for the management of activities in exploration and mining in the State and for the marketing and promotion of inward investment. The first on-line, web presence supporting the application and payment for a prospecting licence and associated GIS services went live in December 2002 and is located at www.dcmnrnronline.ie. This on-line website was superseded in January 2004 with an enhanced website located at www.minex.ie. The initial release of the fully integrated MAPS system including the end-to-end processing for prospecting licences went live on 4 April 2005. This system is not yet fully operational pending completion of several enhancements. These enhancements are being tested with a view to the system being fully operational by end 2005.

IFIS, integrated fisheries information system, has been developed to support the needs of users

across the sea fisheries division. It provides full integration of the business processes of the various sections within sea fisheries. Phase 1 of the system went live in March 2005. This included the intranet back-office system for managing sea fisheries and fishing vessel licensing and registration. The e-service to enable customers submit sea fishing licence applications on-line is scheduled for delivery in early 2006.

CoZAS, coastal zone administration system is a licensing processing system which will enable the issuing of licences to customers who wish to carry out various economic activities in the coastal zone. The system will also enable customers of the Department to apply for coastal zone licences over the web. Phase 1 of the project went live in the coastal zone division last month. Phase 2, which includes a geographical information system, payment and Internet functionality, is scheduled for release in 2006.

The corporate vessel register will collect, manage and disseminate information intrinsic to seafaring vessels regardless of whether the vessels are engaged in mercantile, commercial fishing, passenger transport, research, defence and/or leisure activities. Phase 1 of this project is intrinsically linked to the SafeSeaNet Ireland Project. This project is associated with the European Maritime Safety Agency which is tasked with coordinating the communication of seafaring activities between EU member states.

SafeSeas Ireland will provide the framework from 2006 for exchanging messages, notifications and alerts between member states related to defined categories of vessels. System users will be entities such as port authorities with responsibility for managing international maritime traffic on behalf of their national authorities.

The Department makes extensive use of geographical information systems and has developed a high quality technical infrastructure and many key datasets. The Department has built up a spatial database approaching 1 terabyte and geographical information systems functionality has been deployed via the Intranet to every PC user in the Department.

This geographical information system already underpins the MAPS Internet system and will be utilised in the Internet applications for all other Departmental on-line systems. The integrated petroleum affairs system will enhance the management of petroleum affairs division's customer needs, applications, licences, geophysical data and documentation. The project is at planning stage.

Port Development.

316. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if he will give support and advice to a company (details supplied) in their efforts to ensure all extra space in Dublin Port is used to the maximum benefit rather than infilling the 52

acres of Dublin Bay; and if he will make a statement on the matter. [34965/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): It would not be appropriate for me to interfere in the day-to-day operations of a commercial State body such as Dublin Port Company in the manner suggested.

In January 2005, I launched the Government's ports policy statement which aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs. One of the key challenges that lies ahead is the provision of adequate in-time port capacity, particularly for unitised trade. The policy statement sets out a framework to ensure capacity needs are identified, planned and progressed in a coordinated manner.

As an initial step in this process, the Department consulted with the commercial ports handling unitised trade to determine their view of port capacity and how they intended to deal with the projected capacity requirement. In its response to this request, Dublin Port Company provided information to the Department concerning its proposal for the reclamation of 21 hectares of foreshore in Dublin Bay.

In addition, the Department recently appointed Fisher Associates consultants to, *inter alia*, draw up a uniform template for submission of detailed project proposals; assess the scope for efficiencies within existing areas of ports, including Dublin Port, handling unitised trade and advise on evaluating the projects submitted by the commercial ports with a view to the Department's recommendations to Government.

The purpose of this process is to satisfy the Government that the anticipated capacity requirement to 2014 and beyond can be efficiently and adequately met through the successful advancement and implementation by the port sector of some combination of the key projects referred to above, which have been the subject of an independent and expert evaluation. In addition, section 12(1)(b) of the Harbours Act 1996 provides that it will be the general duty of a port company to conduct its business at all times in a cost-effective and efficient manner.

Visa Applications.

317. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the advice the embassy in Moscow gave to the Department of Justice, Equality and Law Reform visa office in Dublin on the visa application of a person (details supplied); if the visa officer in Moscow found their application for a visa to be credible. [34797/05]

Minister for Foreign Affairs (Mr. D. Ahern): The visa application from the person concerned was referred by my Department to the responsible Department in these matters, namely the

[Mr. D. Ahern.]

Department of Justice, Equality and Law Reform, for decision on 22 August 2005.

A visa officer from the embassy in Moscow was subsequently requested to interview the person concerned by an official of the Department of Justice, Equality and Law Reform. This interview took place in Kiev on 17 October 2005. The procedure then followed was that a transcript of this interview was forwarded to the Department of Justice, Equality and Law Reform for consideration in conjunction with her original visa application.

The Department of Justice, Equality and Law Reform refused the visa application on 3 November 2005. The honorary consul in Kiev was notified of this decision by the Department of Foreign Affairs on 7 November 2005.

Overseas Development Aid.

318. **Mr. O'Connor** asked the Minister for Foreign Affairs the action he is taking to respond to the developing tragedy in Pakistan following the recent earthquake; and if he will make a statement on the matter. [34801/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The disaster in Pakistan is, logistically, one of the toughest challenges ever faced by the UN and the international community. Some 15,000 villages were affected by the earthquake and many are in areas difficult to reach. The majority of these villages have yet to be visited by a relief team. The relief effort has been adversely affected by the shortfall in donations to the UN appeal. The race against the onset of winter is ongoing and deep concerns remain about the potential for further casualties among the population living above the snow line, calculated to be over 200,000 people.

As Minister with responsibility for development co-operation and human rights, I have remained in contact with the ambassador of Pakistan to Ireland, His Excellency Mr. Toheed Ahmad, in the weeks following the disaster. I have also been in close contact with our key non-governmental organisations and with the Pakistani community in Ireland, which has responded with enormous generosity to this appalling tragedy.

Ireland was among the first countries to respond to the earthquake. Within a few hours of the earthquake €1 million was pledged towards immediate relief efforts in northern Pakistan and the surrounding regions. As the casualty figures rose dramatically, our response was increased to €5 million, placing Ireland as one of the highest donors to the disaster on a *per capita* basis. Approximately €1.5 million of our assistance has been allocated to key UN humanitarian agencies, including UNICEF and the World Food Programme. Over €2.5 million has been allocated to non-governmental organisations, such as Con-

cern, GOAL, Oxfam, Plan Ireland and Trócaire, which are active in the provision of essential services on the ground. These services include the provision of food, health services, shelter, water and sanitation.

Officials from the Department of Foreign Affairs remain in close contact with Government of Pakistan through its embassy in Dublin, with our missions abroad and with UN agencies, the International Red Cross movement and non-governmental organisations. Moreover, a team of my officials is in Pakistan to assess the situation there and, in particular, as it relates to the work which we are funding.

The former Taoiseach, Mr. Albert Reynolds, has agreed to travel to Pakistan this week to lead Ireland's delegation to the rehabilitation and reconstruction conference, which is scheduled to take place in Islamabad on 19 November. Mr. Reynolds will report back to me with his findings and recommendations. I will travel to the region next month as part of a joint visit with my Dutch opposite number, the Minister for Development Cooperation, mevrouw Agnes Van Ardenne. My visit will assess progress at that point in the relief effort and identify outstanding needs in the recovery phase.

Foreign Conflicts.

319. **Mr. Quinn** asked the Minister for Foreign Affairs, further to Question No. 184 of 27 October 2005, if more information has been made available by the Government of the USA on an Irish citizen or citizens being held in Iraq; if the USA has confirmed that it is holding an Irish citizen or citizens in Iraq; if consular contact has been possible with this person or persons; if he has satisfied himself that this person or persons is receiving due process and is able to avail of all their rights under international law; and if he will make a statement on the matter. [34969/05]

Minister for Foreign Affairs (Mr. D. Ahern): It has now been confirmed by the US State Department to the Irish embassy in Washington that no Irish nationals are in detention in Iraq and that the report carried to this effect was incorrect.

Arts Funding.

320. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism if a 29% increase in spending on the arts will be supported; his views on their valuable work in the wider society; and if he will make a statement on the matter. [34785/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Since taking office in 2002, I have consistently and effectively made the case, in the context of annual Estimates discussions, for increased funding for the arts. The results are clearly in evidence. Funding for the Arts Council

has increased by a total of 28% from €47.67 million in 2002, to €61 million in 2005. This built on earlier increases of about 80% between 1997 and 2002. I must, like every other Minister, await the publication of the 2006 Estimates figures before any outcomes are announced.

Sports Funding.

321. **Ms M. Wallace** asked the Minister for Arts, Sport and Tourism the amount of Government funding which has been provided for the National Aquatic Centre, Croke Park, Lansdowne Road, and other relevant national stadia in the city of Dublin which is of benefit to young persons and to sporting organisations since 1997; and if he will make a statement on the matter. [34826/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Government has provided capital funding towards the provision and development of a wide range of sports facilities and stadia at national, regional and local level. The capital cost of the National Aquatic Centre was €71 million; the GAA received €109.84 million towards the costs of the redevelopment of Croke Park; while the redevelopment project at Lansdowne Road Stadium, being undertaken jointly by the Irish Rugby Football Union and the Football Association of Ireland, and which has been awarded funding of €191 million, has, to date, received a capital funding of €1.75 million.

Under the sports capital programme, funding has also been provided in respect of a number of other national sporting facilities. Since 1997, those located in Dublin include €1.95 million in respect of the National Boxing Stadium, €1.29 million in respect of the National Hockey Stadium in UCD, €800,000 in respect of the National Indoor Tennis Centre in DCU, and €176,974 in respect of the National Indoor Cricket Centre at Balrothery. Since 1997, almost €386 million has been allocated under the sports capital programme in respect of over 4,900 projects at local, regional and national level, of which €103 million relates to projects located in Dublin.

Question No. 322 withdrawn.

323. **Mr. Curran** asked the Minister for Arts, Sport and Tourism the expected cost of providing a new stadium at Lansdowne Road; the amount of this funding which is to be provided by the Irish Rugby Football Union, the Football Association of Ireland and the State; and if he has satisfied himself that the Football Association of Ireland and the Irish Rugby Football Union have their funding securely in place and are in a position to proceed with this project. [34938/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The detailed design for the provision of a new stadium at Lansdowne Road has

been costed at €365 million, including VAT, of which €191 million is being provided by the State. The Government is committed to providing a maximum of €191 million towards the project and this position has been reiterated and is accepted and understood by both the Irish Rugby Football Union and the Football Association of Ireland. Both the Irish Rugby Football Union and the Football Association of Ireland have provided undertakings that they can meet the balance of the required funding for the project.

Company Law.

324. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to cases where the phoenixing of foreign based companies has had a direct or indirect negative impact on Irish subcontractors of such companies; and if legislation exists to prevent such negative impact. [34858/05]

325. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the cases of phoenixing of companies here; if legislation to combat such actions will be considered or if he has satisfied himself that the existing legal and regulatory framework is sufficiently robust to deal with such eventualities; and if he will make a statement on the matter. [34859/05]

326. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment the laws, directives or regulations which are in place at European level to prevent the phoenixing of companies; if there are issues or concerns with conducting business with businesses which are governed by different national laws, which may not offer the same level of protection as applies here; and if he will make a statement on the matter. [34860/05]

327. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the case (details supplied) in which the main contractor has ceased trading here, though continued in the UK, and has left a number of locally based Irish subcontractors awaiting payment of outstanding invoices; and if he will make a statement on the matter. [34861/05]

328. **Mr. Carey** asked the Minister for Enterprise, Trade and Employment the measures which are in place to prevent companies who owe substantial sums to individuals or other companies declaring bankruptcy for the purpose of recommencing trading under a new name for the sole purpose of avoiding their legal responsibilities; and if he will make a statement on the matter. [34862/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 324 to 328, inclusive, together.

The Office of Director of Corporate Enforcement has made inquiries into the matter of the status of Controlled Demolition Group and he understands that joint administrators were appointed to the company under the provisions of the UK Insolvency Act 1986, as amended by the Enterprise Act 2002. He also understands that, following the appointment of the joint administrators, the business and assets of the company, including the company name but not the company itself, was sold to another company. Under the provisions of UK law, the joint administrators of the company are obliged to give a report to creditors not later than eight weeks after their appointment which will address their actions since appointment and will include an indication of the likely surplus available, if any, to pay creditors.

With regard to European Law, the most recent legislation in the area is the European cross border insolvency regulation — Council Regulation (EC) No. 1346/2000 dated 29 May 2000. The regulation ensures that most forms of insolvency proceedings are mutually recognised within member states of the European Union. The regulation sets out under Article 39 the right of any creditor to lodge a claim and Article 40 deals with the duty to inform known creditors of insolvency proceedings. The regulation also provides for equal treatment of creditors.

The main company law provisions in Ireland dealing with companies who fail and re-engage in trading under a new name are addressed under the Companies Acts 1963 to 2005 and in particular under the provisions of the Company Law Enforcement Act 2001. Section 56 introduced a new reporting obligation by liquidators in respect of all insolvent liquidations to the Director of Corporate Enforcement. The liquidators of such companies are legally obliged to bring proceedings for the restriction of directors unless relieved of this obligation by the Director of Corporate Enforcement. The director also has additional powers available to him to pursue directors of insolvent companies that have not been placed into liquidation.

The Deputy will be aware that business failure is an unfortunate fact of life. However, not all business failure is a result of unlawful business practice. If the creditors of the company are aware of specific breaches of UK company law they may wish to bring these to the attention of the appropriate UK authorities, which are the UK insolvency service, in the context of breaches of the Insolvency Acts and the Department of Trade and Industry for wider breaches of the UK companies acts.

Social Welfare Code.

329. **Mr. McHugh** asked the Minister for Social

and Family Affairs if a national strategy will be formulated for carers (details supplied); and if he will make a statement on the matter. [34722/05]

332. **Ms C. Murphy** asked the Minister for Social and Family Affairs if, in the interest of promoting equality for family carers, he will support the establishment of a national advisory group made up of carers, representative organisations, union representatives and employers groups to advise his Department on the various areas of policy affecting carers and their families; and if he will make a statement on the matter. [34731/05]

Minister for Social and Family Affairs (Mr. Brennan): I proposed to take Question Nos. 329 and 332 together.

Supporting carers in our society has been a priority of the Government since 1997. Over that period weekly payment rates to carers have been greatly increased, qualifying conditions for carers' allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carers' benefit and the respite care grant have been introduced.

I had the pleasure last May of launching the Carers Association national strategy document "Towards a Family Carers Strategy". The strategy is a focused document with very clear objectives and actions. These objectives and actions cover a range of areas and Departments, including income support and health related issues.

The long-term care working group, chaired by the Department of the Taoiseach and comprising senior officials from the Department of Finance, Health and Children and Social and Family Affairs is due to report to the Tánaiste and to me shortly. The objective of this group is to identify the policy options for a financially sustainable system of long-term care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Eamon O'Shea. The issues raised in the Carers Association strategy will also be included in the group's deliberations.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. Those recommendations involving additional expenditure will be considered in a budgetary context. I will continue to review the issues raised by the Carers Association and other bodies representing carers.

Social Welfare Benefits.

330. **Mr. Neville** asked the Minister for Social and Family Affairs the reason patients at the Central Mental Hospital, Dublin, are not entitled to the disability allowance. [34725/05]

Minister for Social and Family Affairs (Mr. Brennan): There are a number of different categories of residency in the Central Mental Hospital as follows: those detained under the categories of “guilty but insane” and “unfit to plead” who are deemed to be detained in legal custody and are not eligible for payment of disability allowance under the Social Welfare Acts and those detained under the relevant Mental Health Acts who are not considered to be detained in legal custody but rather are deemed to be in residential care and are therefore eligible for disability allowance, personal expenses rate. There are a number of such residents of the Central Mental Hospital currently in receipt of this payment.

The disability allowance, personal expenses rate, was provided for in the Social Welfare and Pensions Act 2005, at an amount not exceeding €35 per week, effective from 1 June 2005. This payment replaced the spending allowances, formerly paid by the health boards to people in residential care since prior to 1999 who are not eligible for full disability allowance, solely due to their residency. The Social Welfare Act 1999, made provision for the retention of entitlement to disability allowance where a person who has been living at home subsequently enters residential care, effective from June of that year.

During the administrative preparations for the introduction of the disability allowance, personal expenses rate, my Department contacted the Central Mental Hospital to establish the number of residents who would be eligible for this new payment. There are no plans to amend the current legislation with regard to persons in legal custody. I intend, however, to review the situation regarding people in residential settings who are not currently eligible for the payment of full disability allowance and to move towards the removal of this disqualification so that all persons in residential care will have an income maintenance payment on the same basis.

Social Welfare Appeals.

331. **Mr. Ring** asked the Minister for Social and Family Affairs the outcome of an appeal for a person (details supplied) in County Mayo which was held on the 18 October 2005. [34726/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned was in receipt of carer’s allowance from 1 October 1998. Following a review of her entitlement, payment from 4 January 2001 to 30 March 2005 was disallowed by a deciding officer retrospectively, as it was found that the person was working more than ten hours per week. As a consequence, an overpayment of €34,970.31 was assessed against her. The person concerned appealed against this decision to the social welfare appeals office.

The case was referred to an appeals officer, who having considered all the evidence, including that adduced at the hearing, disallowed the

appeal. The person concerned is being notified of the decision. Under social welfare legislation, decisions relating to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Question No. 332 answered with Question No. 329.

Social Welfare Benefits.

333. **Mr. Costello** asked the Minister for Social and Family Affairs if he has completed his review of the cases of the 237 persons who have been denied the fuel allowance in winter 2005; and if he will make a statement on the matter. [34802/05]

Minister for Social and Family Affairs (Mr. Brennan): Fuel allowances are not payable in situations where a person has access to his or her own fuel supply or is benefiting from a subsidised or low cost heating service, such as those provided by Dublin City Council at a number of its housing complexes. The basis for this condition is that the contribution that local authority tenants in communal heating situations make towards their heating costs is limited to a fixed and relatively small amount, typically around €6 per week, included as part of their overall rent charge.

Unlike other tenants and social welfare clients generally, who must buy their own fuel at prevailing retail cost, these tenants are subsidised significantly by Dublin City Council and the other local authorities concerned and thus are protected from increases in heating costs. To ease the burden on tenants, payments are spread over 52 weeks and in addition to heating each room, hot water is provided 24 hours a day for each day of the calendar year.

My Department carried out a review of the fuel allowance payments to ensure that the eligibility rules were being applied correctly and consistently. In the course of a routine review, it came to light that payments had been made in error to certain recipients who were in local authority accommodation with subsidised or low cost heating. The allowances in question, which should not have been put in payment in the first place, were withdrawn in these cases with effect from the start of this winter heating season.

Fuel allowance payments in previous years were made in error to these people; in some instances, fuel allowance was awarded because the applicant indicated that their heating costs were not being subsidised. While it may be inequitable to retain the allowance when neighbouring tenants in the same circumstances are not eligible and are managing their budgets accordingly, I am conscious of the particular circumstances which apply in the cases which the

[Mr. Brennan.]

Deputy mentions. I am at present reviewing the situation as a matter of urgency.

Social Welfare Appeals.

334. **Mr. Ring** asked the Minister for Social and Family Affairs when an appeal for the carer's allowance for a person (details supplied) in County Mayo will be finalised. [34820/05]

Minister for Social and Family Affairs (Mr. Brennan): The person's application for carer's allowance was disallowed by a deciding officer on the grounds that he is working, on his holding, for more than ten hours per week. The person appealed this decision to the social welfare appeals office. In accordance with the statutory requirements, the relevant departmental papers, including a report from a social welfare inspector and a submission from the deciding officer, are being sought. The file will be forwarded to the appeal office for determination when these are to hand.

At present the person concerned is in receipt of unemployment assistance. Under social welfare legislation decisions regarding claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Benefits.

335. **Mr. Crawford** asked the Minister for Social and Family Affairs his views on whether there is a need to allow mortgage payments as a charge or allowance for means test purposes when claiming for the disability allowance; his further views on whether a disability in itself can be a major crisis in a family; if he will consider making the necessary changes in budget 2006 so that mortgage charges can be accepted as a legitimate cost when disability allowance is being decided upon; and if he will make a statement on the matter. [34825/05]

Minister for Social and Family Affairs (Mr. Brennan): In assessing means for social assistance purposes, including disability allowance, account is taken of any cash income the person or his or her spouse may have, together with the value of capital and property, except the home. Outgoings, such as mortgage payments on the family home, are not taken into account in determining entitlement to disability allowance and other weekly income maintenance payments.

The person concerned made a claim for disability allowance in July 2005. While she satisfied the medical conditions for entitlement to disability allowance, her weekly means were determined by a deciding office of my Department to be in excess of the statutory limit for entitlement to that scheme. These means were derived from her husband's earnings and the appropriate

deductions for income tax, PRSI, superannuation, trade union and health insurance subscriptions as well the spouse's income disregard of €88.88 per week were deducted from gross earnings before her means were calculated.

Any changes to the current means testing provisions for disability allowance and other schemes would fall to be considered in a budgetary context.

Rail Network.

336. **Mr. English** asked the Minister for Transport the amount of State money invested in the Navan to Drogheda rail line for each of the years 1999 to 2004 and to date in 2005; the income derived from commercial activity on this rail line for the same periods; and if he will make a statement on the matter. [34776/05]

337. **Mr. English** asked the Minister for Transport the amount of State money invested in the Navan to Kingscourt rail line for each of the years 1999 to 2004 and to date in 2005; the income derived from commercial activity on this rail line for the same periods; and if he will make a statement on the matter. [34777/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 336 and 337 together.

The Drogheda to Navan to Kingscourt railway line has conveyed only rail freight traffic in the period 1999 to the present day. A total of €5.14 million was invested in this line since 1999 from the railway safety programme, approved by my Department. The revenue earned from the traffic carried on the line is a commercial matter for Iarnród Eireann.

Road Traffic Offences.

338. **Ms Shortall** asked the Minister for Transport the action he intends taking arising from the outcome of court cases as reported (details supplied) where cases against drivers for the non-display of L-plates and for not being accompanied by a qualified driver were struck out due to deficiencies in Article 20 of the Road Traffic (Licensing of Drivers) Regulations 1999; when he will address such deficiencies; and if he will make a statement on the matter. [34790/05]

Minister for Transport (Mr. Cullen): The article referred to by the Deputy does not specify any alleged deficiencies in Article 20 of the Road Traffic (Licensing of Drivers) Regulations 1999 and no deficiencies have been notified to my Department. The position is that Article 20 provides in sub-article (6)(b)(iii) that a person provisionally licensed to drive vehicles of category B, C1, C, D1, D, EB, EC1, EC, ED1 or ED shall not drive such a vehicle unless there are displayed on the vehicle rectangular plates or signs bearing the letter "L" not less than 15cm high in red on a

white ground, in clearly visible vertical positions to the front and rear of the vehicle. Furthermore sub-article (6)(b)(iv) provides that a person provisionally licensed to drive vehicles of category B, C1, C, D1, D, EB, EC1, EC, ED1 or ED shall not drive such a vehicle unless he or she is accompanied by and is under the supervision of a qualified person, that is, a person who holds a driving licence in respect of the vehicle category being driven.

A provisional licence only licences a holder to drive a vehicle in respect of which the licence is granted provided these and other conditions applicable to a provisional licence are complied with. Non-compliance with any of these conditions leaves a person open to prosecution under section 38 of the Road Traffic Act 1961, which prohibits driving without a driving licence, as under section 35(3)(a) of that Act the holding of a provisional licence having effect is a good defence against such a charge.

Public Transport.

339. **Mr. Lowry** asked the Minister for Transport the reason north Tipperary was excluded in major transport projects in the Transport 21 plan; and if he will make a statement on the matter. [34791/05]

Minister for Transport (Mr. Cullen): I reject the implication that north Tipperary has been excluded from major projects contained in Transport 21. The position is that north Tipperary will gain significantly under Transport 21 as follows: completion of the N7 Dublin-Limerick motorway; the targeted improvement of the N52 from Dundalk to Nenagh, which is a key cross-country linking corridor identified by the national spatial strategy; the introduction of a service every hour on the Dublin to Cork rail line and every hour at peak and every two hours off-peak on the Dublin to Limerick rail line.

In addition, rural areas of the county can also expect to benefit from the upgrading of regional bus services and the decision to put the rural transport initiative on a permanent footing from 2007 and to significantly increase the cash funding for this successful and innovative programme.

Air Services.

340. **Mr. Quinn** asked the Minister for Transport if aircraft (details supplied) which are alleged to have been used by the CIA in the process of extraordinary renditions have ever landed at any airport here or at Casement Aerodrome; if those aircraft were examined by the State's security forces to determine if the UN Convention on Torture or Article 3 of section 1 of the European Convention on Human Rights was breached; and if he will make a statement on the matter. [34922/05]

Minister for Transport (Mr. Cullen): In accordance with the 1944 Chicago Convention on International Civil Aviation, aircraft may come into Ireland for technical stops, such as for refuelling purposes, without notifying the Department of Transport, and no notification about these aircraft was received by my Department. As I indicated in the House previously, the aircraft registered N379P and N8068V have landed at Shannon on a number of occasions. I understand that the aircraft N4476S has not landed at Shannon, Dublin or Cork. No examinations have been carried out on these aircraft by my Department. Examinations by the State's security forces are a matter for the Minister for Justice, Equality and Law Reform. Landings at Casement Aerodrome are a matter for the Minister for Defence.

Furthermore, as I have said in the House on previous occasions, I understand that the US authorities have confirmed to the Department of Foreign Affairs that prisoners are not being transported through Irish airports. The US also confirmed that it would not seek to use Irish airports for this purpose in the future without seeking the authorisation of the Irish authorities.

Rail Services.

341. **Mr. Eamon Ryan** asked the Minister for Transport further to his recent announcement that his Department is in discussion with an international open access freight operator, the measures which have been put in place to allow the issue of operators licences and for the allocation track access in a fair and unbiased manner. [34923/05]

Minister for Transport (Mr. Cullen): My Department, in accordance with Directive 2001/13 on the licensing of railways and Directive 2001/14 on the allocation of infrastructure capacity and safety certification has introduced the following measures: S.I. 537 of 2003 European Communities (Licensing of Railway Undertakings) Regulations, 2003, to provide for an operator to obtain a licence; S.I. 643 of 2004 entitled European Communities (Allocation of Railway Infrastructure Capacity and the levying of Charges for the use of Railway Infrastructure and Safety Certification) Regulations, 2004, which provides for the allocation and charging for track access.

My Department has received a communication from an operator confirming its intention to establish itself in the international freight market in Ireland, in accordance with Directive 2004/51/EC. Officials in my Department have been in contact with the operator concerned.

Departmental Reports.

342. **Ms Shortall** asked the Minister for Transport the costs incurred by or on behalf of his Department arising from the publication of an

[Ms Shortall.]

eight page commercial report on the Transport 21 plan, published in a magazine (details supplied) on 10 November 2005; if outside agencies were used in the preparation and production of material; and if he will make a statement on the matter. [34924/05]

344. **Ms Shortall** asked the Minister for Transport if, in regard to the publication in a magazine (details supplied) of an eight page commercial report on the Transport 21 plan, it is intended to publish the report in other publications; if so, the publication, the planned date in each case, and the anticipated cost; and if he will make a statement on the matter. [34926/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 342 and 344 together.

My Department did not commission or make any financial contribution towards the report in question.

Road Traffic Offences.

343. **Ms Shortall** asked the Minister for Transport when he expects to increase the fine, currently €19, for illegal parking in disabled parking bays; and if he will make a statement on the matter. [34925/05]

Minister for Transport (Mr. Cullen): This offence currently comes within the scope of the fines on the spot system, FoTS, and, in association with the majority of other parking offences, attracts an on the spot fine of €19. The Road Traffic Act 2002 provides for the replacement of the FoTS with the new fixed charge system. That system currently applies to the offences of exceeding a speed limit and non-compliance with seat belt regulations.

The extension of the fixed charge system to additional offences will be progressively commenced once the appropriate Garda Síochána IT processing system is fully operational and related administrative supports are in place. I will make the necessary statutory instruments at that point. This extension will include its application to the offence of illegally parking in disabled persons' parking bays. The level of the charge for that offence will be pitched at a level significantly higher than that which will apply to other parking offences.

Question No. 344 answered with Question No. 342.

Proposed Legislation.

345. **Mr. Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs when legislation to regulate charities will be published; and the reason its publication has been subject to ongoing delays. [34792/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I do not accept the Deputy's contention that the publication of legislation to regulate charities has been subject to ongoing delays. As I have previously pointed out to the House, it is only following the establishment of my Department in June 2002 and the setting up of a dedicated charities regulation unit in February 2003 that substantive moves began to be taken towards regulation of the charities sector.

The draft legislation under preparation in my Department will ensure that charities are regulated for the first time since the foundation of the State. With regard to a publication date, I have already publicly signalled spring 2006 as our target for publication of the Bill and my Department continues to give priority to the work of advancing this important legislation.

Security of the Elderly.

346. **Mr. P. Breen** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No. 323 of 9 November 2005, 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. [34793/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): My Department has recently received a current tax clearance certificate from the group in question. Payment of the grant will be arranged shortly.

Bullying in the Workplace.

347. **Mr. Rabbitte** asked the Minister for Agriculture and Food if her attention has been drawn to the case of a person (details supplied); if she is satisfied with the treatment of this person, especially having regard to the case previously settled and the compensation received arising from allegations that the person was bullied; if it was part of the settlement that the person was not to have contact with the person who was alleged to have bullied him or her; if she is satisfied that this commitment has been honoured; if the person concerned was removed from the building on 7 October 2005, and if so, the reasons for same and the circumstances in which it took place; the status of the person and if they continue to be paid; if the person's general practitioner has certified the person as being fit for work; if the person will be allowed to return to work; and if she will make a statement on the matter. [34796/05]

Minister for Agriculture and Food (Mary Coughlan): In March 2005 my Department, through the Chief State Solicitor's office, entered into an agreement with the person to whom the Deputy refers in settlement of a case brought by

that individual against my Department. I am satisfied that my Department has used its best endeavours at all times to comply with the terms of that agreement.

On 7 October 2005 the person in question was involved in a serious incident with a senior officer in the Portlaoise office. Arising from this incident the person, who is the subject of this parliamentary question, was requested to remain at home until the chief medical officer certifies him fit to return to duty. The chief medical officer has requested a medical report from the person's medical consultant and the chief medical officer has not yet received this report.

Grant Payments.

348. **Mr. Deenihan** asked the Minister for Agriculture and Food when the disadvantaged payment will be awarded to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [34931/05]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme-disadvantaged areas scheme was received from the person named. During processing of this application, an eligibility issue was identified regarding one of the parcels claimed. This has now been resolved and payment in respect of the disadvantaged areas scheme will issue shortly.

Infectious Diseases.

349. **Mr. Stanton** asked the Minister for Agriculture and Food the measures her Department has considered or is considering introducing, in addition to the measures introduced on 27 October 2005 as a result of the European Commission decision on avian influenza; and if she will make a statement on the matter. [34932/05]

Minister for Agriculture and Food (Mary Coughlan): Since the confirmed outbreaks in Russia and Kazakhstan in July and the more recent outbreaks in Turkey, Romania and Croatia, a range of measures have been put in place to further minimise the risk of the introduction of the H5N1 avian influenza virus into the European Union and, consequently, Ireland.

Since the initial outbreaks of the H5N1 virus in south east Asia in late 2003, the EU Commission has moved swiftly to apply safeguard measures to any affected countries that, essentially, ban the importation into the Community of poultry and certain specified poultry products from those countries. In addition, the Commission has now banned the importation of captive birds and has placed controls on the importation of pet birds. All of the Commission decisions have now been transposed into Irish law through a series of statutory instruments that I signed over the past few weeks.

These decisions include a ban on the gathering of birds for shows, exhibitions, markets and cultural events, other than under licence in regard to the latter, I have made and provision for the licensing of caged bird shows and pigeon shows. This ban will be reviewed at EU level before the end of November and may well be extended for a further period. This is another entirely reasonable measure to minimise the risk of introduction of the disease. I am satisfied that the measures taken to date are proportionate to the risk of the introduction of the virus and represent a reasonable and measured response. My Department is constantly reassessing the level of risk and is updating its contingency arrangements based on that risk assessment. Notwithstanding the measures taken to date, I will not hesitate to take such additional measures as I consider appropriate to any increased level of risk.

My Department is actively engaged at EU and international level and will continue to take account of the most up to date national and international veterinary and scientific advice available to us from such sources as the EU, the FAO and the OIE. While I have no particular plans to introduce any further specific measures at this time, I am keeping the situation under review and have given consideration to other measures which it may be appropriate to introduce in the future, including the possibility of requiring compulsory housing of all free range and organic poultry. This is a measure that I do not consider necessary at the moment given the current level of risk but is one that might well be appropriate in the event, for example, of confirmed outbreaks of the virus within the EU or in countries that are on a direct migratory flyway to or from Ireland.

Food Industry.

350. **Mr. Stanton** asked the Minister for Agriculture and Food the way in which her Department supports small rural based food enterprises; and if she will make a statement on the matter. [34934/05]

Minister for Agriculture and Food (Mary Coughlan): My Department supports the development of small rural based food enterprises directly and through Bord Bia. Grant aid is available under the scheme of investment for the commercial horticulture sector to encourage investment in commercially viable horticultural enterprises. The scheme is primarily aimed at those in rural areas who are engaged in production or are starting production projects. Over €6 million will be paid this year involving investments of €20 million bringing the total grant payable to date under the NDP 2000-2006 to €14 million.

Under the NDP scheme for the development of the potato sector, grants were available in respect of capital costs of equipment and facilities for the production, storage and marketing of

[Mary Coughlan.]

potatoes. The objective of the scheme was to support investment in new or improved storage and other marketing facilities by potato growers in order that they could remain in business. The scheme to date has paid out €1.36 million to 51 applicants. The scheme in 2005 applies to potato seed producers.

My Department operates the scheme of grant aid for the development of the organic sector, which supports investment both on-farm and off-farm. For on-farm investments, grant aid can be given for 40% of the cost up to a maximum grant of over €50,000. For off-farm investments, the maximum grant is over €500,000. Bord Bia, the State agency under the aegis of my Department, has a statutory function to promote, assist and develop the marketing of Irish food, drink and horticulture products. The vast bulk of the board's client companies are micro, small and medium sized, SME, food and drink and horticultural enterprises, whose annual turnover is less than € 2.5 million.

All of Bord Bia's five broad activity categories — buyer contact, food promotion, information, quality development and marketing finance — contribute to the development of the SMEs. The marketing finance activity, for example, comprises two grant programmes, the marketing improvement assistance programme and the market participation programme, both of which assist SMEs with marketing activities. The board operates a brand forum in partnership with Bank of Ireland business banking. Membership of this forum includes SMEs and the it provides a centre of excellence for brand marketing that delivers new skills to the industry, including practical brand development services, access to exclusive market research and insight and food and drink brand promotion and promotes the long-term success of food and drink brands.

Bord Bia also provides a range of support services for farmers markets, including advice and mentoring assistance and has also published a comprehensive information guide on the running and operation of these markets in co-operation with Invest Northern Ireland. With over 100 farmers markets now in operation, I recognise the important contribution they are making to local and regional economies through encouraging local produce, assisting start-ups of new businesses and creating local employment.

The growth of these markets also reflects changing consumer preferences and demand for more locally produced foods. They offer a real opportunity to promote sustainable production of more locally produced speciality and high quality artisan type products that reflect the unique characteristics of a locality and region.

Recently, my Department, in co-operation with Bord Bia and other State agencies, launched a new initiative to promote local and regional food economies with the core aim of stimulating and

expanding interest in regional and local food production and encouraging the formation and growth of more small rural based food enterprises on a regional basis. The speciality and artisan food sectors have developed a new momentum and research indicates that further opportunities exist for the right products. There is considerable scope to develop new opportunities in Ireland and United Kingdom where the market is forecast to reach €7.5 billion over the next three years.

Common Agricultural Policy.

351. **Mr. Stanton** asked the Minister for Agriculture and Food if her Department is succeeding in protecting the interests of the Irish agri-food sector with regard to the CAP reform; and if she will make a statement on the matter. [34935/05]

Minister for Agriculture and Food (Mary Coughlan): While the Common Agricultural Policy is subject to ongoing reform, the last substantive reform took place under the mid-term review, which was agreed by the Council of Agriculture Ministers in June 2003. The reform represented a favourable outcome for Ireland. The main policy proposals under consideration at present are the Commission's proposals for the reform of the sugar sector.

In the wider context, the December European Council will consider proposals on the financial perspective for the period 2007-13 and the WTO ministerial conference in Hong Kong is expected to advance the negotiations on the next WTO agreement, both of which represent a challenge to the future of the CAP. I am participating directly in or contributing to the negotiations in each case with a view to protecting the interests of the Irish agrifood sector and to securing the best possible outcome from our point of view.

Sugar Beet Production.

352. **Mr. Stanton** asked the Minister for Agriculture and Food if her Department has been successful in protecting the interests of the sugar beet producers and the sugar beet industry here; and if she will make a statement on the matter. [34936/05]

Minister for Agriculture and Food (Mary Coughlan): I reiterated my firm opposition to the Commission's proposals when I addressed last month's meeting of the Council of Ministers in Luxembourg. I emphasised that the price cuts proposed are too severe, the reforms should be based on a longer lead-in time for the EBA and we should await the outcome of the WTO meeting in Hong Kong before seeking to agree a more equitable and balanced outcome.

I have also remained in close contact with like minded colleague Ministers from other member states who are opposed to the reform proposals.

In this context, a joint ministerial letter from a group of 11 member states, including Ireland, was submitted to the Commission in advance of the formal discussion at last month's Council meeting, setting out the objections of the group to the proposals. I have met with the Agriculture Commissioner a number of times to voice my strong reservations. Meanwhile, there has been ongoing contact at official level with other member states and the Commission in respect of the reform proposals.

Negotiations have become more intensive over recent weeks and the United Kingdom Presidency is striving to reach political agreement at next week's Council of Ministers. I will continue to be resolute in pursuing my overall objective of achieving a more balanced agreement, which will take Irish interests into account.

Farm Retirement Scheme.

353. **Mr. Lowry** asked the Minister for Agriculture and Food if a refund will be issued to a person (details supplied) in County Tipperary; when such a refund will issue; and if she will make a statement on the matter. [34972/05]

Minister for Agriculture and Food (Mary Coughlan): One of the early retirement scheme requirements is that the applicant's farming transferee meets certain viability criteria. In the case of the person named, it was found that his farming transferee did not meet the viability threshold of 20 income units derived from farming owned or leased land. Accordingly, his application, which was received in my Department on 26 March 2002, was rejected and the applicant was notified on 4 June 2002.

The application was resubmitted on 5 November 2002. In the interim, the transferee had leased additional land to meet the viability threshold. As a result, the application was found to be valid and payment was approved from that date.

An appeal against the rejection of the first application was received on 26 November 2002. On examination of the appeal, it was ruled that the decision should stand. On 20 January 2003 the person named was advised of this ruling and informed that he could pursue the matter with the agriculture appeals office within three months. To date, no appeal has been submitted to that office.

354. **Mr. Lowry** asked the Minister for Agriculture and Food the reason for cessation of the farm retirement pension to a person (details supplied) in County Tipperary; and when such a refund will issue. [34973/05]

Minister for Agriculture and Food (Mary Coughlan): It is a requirement of the EU regulation under which the early retirement scheme is implemented that the early retirement pension can be paid only as a supplement to any national

retirement pension that the participant receives. Consequently, the value of any such national retirement pension must be deducted from the early retirement pension.

In the case of the person named, he became entitled to a contributory old age pension from 17 June 2005. As the amount of his old age pension exceeded that of his early retirement pension, payment of the early retirement pension needed to cease.

Crime Prevention.

355. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has had any discussions with his EU colleagues with a view to combating the predatory use of the Internet by those with doubtful intentions; and if he will make a statement on the matter. [34653/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): By its very nature, the Internet lends itself to being used for a wide range of criminal activities. These can include illegal pornography, racist or hate materials, financial fraud, intimidation or any other criminal activity carried out via the Internet. Combatting such illegal, harmful and predatory use of the Internet requires a response at national, EU and international levels.

The Internet is an international and worldwide phenomenon with no borders and no single organisation controlling it. Measures to combat illegal materials and activities on the Internet are, therefore, hampered by a multiplicity of jurisdictions, differing legal systems and differing societal norms. Furthermore, developments in communications technologies allowing for Internet access by new means are a regular occurrence. These are largely positive developments but also bring particular challenges for those charged with protecting against the down sides of the Internet.

A combination of responses and the co-operation of all the stakeholders at both national and international level, such as legislators, law enforcement, schools, child protection practitioners, parents and guardians, is essential. My Department is fully committed to playing its part in a proactive way. The European Union has taken a strong line on combating child pornography and other illegal and harmful uses of the Internet.

Since 1999, under the Safer Internet Action Plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the Internet, with particular emphasis on protecting children. A new EU action plan, Safer Internet Plus, covering the period 2005 to 2008 and with a budget of €45 million, was agreed under the Irish Presidency in June 2004 and is now in operation. My Department is represented on the management committee for the programme.

[Mr. McDowell.]

The EU Council adopted a framework decision on combating the sexual exploitation of children and child pornography on 22 December 2003. While the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, my Department is preparing additional legislative provisions to ensure compliance with this framework decision. In September, 2001 the Council of Europe Ministers' Deputies approved the first international convention on cybercrime, to which Ireland signed in June 2002. The main objective of the convention is to foster international co-operation in protecting society against cybercrime. The convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security. My Department is fully committed to co-operating with and promoting these measures nationally, at EU and international level.

Family Carers.

356. **Ms C. Murphy** asked the Minister for Justice, Equality and Law Reform if, in the interest of promoting equality for family carers, he will support the establishment of a national advisory group composed of carers, representative organisations, union representatives and employers' groups to advise his Department on the various areas of policy affecting carers and their families; and if he will make a statement on the matter. [34733/05]

360. **Ms C. Murphy** asked the Minister for Justice, Equality and Law Reform if, in the interest of promoting equality for family carers, he will support the establishment of a national advisory group made up of carers, representative organisations, union representatives and employers groups in order to advise the Departments of Social and Family Affairs, Health and Children, Enterprise, Trade and Employment and the Health Service Executive on the various areas of policy affecting carers and their families; and if he will make a statement on the matter. [34761/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 256 and 360 together.

The Equality Authority appointed an advisory committee in March, 2004 to consider equality issues for family carers. The committee members represent carers' organisations, Departments with specific responsibilities in the area, NGOs, relevant State bodies and the social partners.

The work of the committee has involved providing an overview and an analysis of carers, caring situations and the policy context for caring, exploring a range of themes relevant to equality for carers and identifying issues relating to these and making recommendations to the board of the

Equality Authority that would address the issues identified and contribute to equality for carers. I understand that the committee is currently in the process of finalising its report to the board of the Equality Authority and I look forward to its publication in the near future.

Human Rights Issues.

357. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if the Government has considered amending the Human Rights Commission Act 2000, which would make the Commission directly accountable to the Houses of the Oireachtas rather than to a Department of State as at present; and if he will make a statement on the matter. [34827/05]

376. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if he has reviewed the Irish Human Rights Commission annual report for 2004; the implications of the IHRC request that the commission is made accountable to the Houses of the Oireachtas; his strategy for dealing with the request; if substantial legislative changes are required for the change; and if he will make a statement on the matter. [34978/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 357 and 376 together.

The question of the Irish Human Rights Commission being made accountable to the Houses of the Oireachtas was one of a number of recommendations made by the commission in its report on effectiveness submitted to the Government under section 24 of the Human Rights Commission Acts 2000 and 2001. The Commission also referred to the matter in its annual report for 2003 presented to me in accordance with section 23 of the Act and it has been discussed with me by the president of the commission, Dr. Maurice Manning.

My formal responses on behalf of the Government to the various commission's recommendations, including this one, were laid before the Houses on 20 October 2004. The president of the commission mentioned the point again in his foreword to the annual report for 2004, published on 5 October 2005 when, after acknowledging the growing relationship with Oireachtas committees, he stated: "It is the long term objective of the commission that it be accountable directly to the Oireachtas rather than to a Government Department as at present and that it will be working to achieve this over the coming years".

As is clear from the papers laid before the Oireachtas, the commission is aware that as far as I am concerned, it is free to explore the issue further with a view to developing concrete proposals for my consideration.

Departmental Inquiries.

358. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the estimated cost of the inquiry into sex abuse in the Dublin dioceses; and if all of the costs will be borne by the taxpayer. [34916/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Following a Government decision on 8 November, in accordance with the provisions of the Commissions of Investigation Act 2004 and as the specified Minister in respect of this commission, I am arranging for the laying before the Dáil and Seanad of a draft of the proposed Government order establishing the commission seeking the approval of the two Houses.

Following their approval, the Government will by order establish the commission, following which I will arrange for the preparation of an estimate of the costs, including legal costs, to be incurred by the commission in conducting the investigation and preparing its reports, to be published in *Iris Oifigiúil*. Sections 23 and 24 of the Act provide for the recovery by witnesses of legal costs necessarily incurred by them and certain other expenses and the issuing of guidelines concerning the payment of such legal costs.

Prison Work Schemes.

359. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in respect of a contract for a company (details supplied) for work carried out by women prisoners in Mountjoy Prison; the amount the State is paid for this work; the amount the prisoners are paid; if there are other such contracts for work carried out in Irish prisons; and if he will make a statement on the matter. [34759/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Women prisoners in the Dochas Centre are not currently involved in any arrangements with the company referred to in the Deputy's question. I understand that a limited number of women prisoners were voluntarily involved in some assembly activity in connection with the company concerned in the past but that this arrangement ceased some time ago.

There is a very limited provision, through arrangements with private entities, of voluntary occupational opportunities for a small number of prisoners in two other institutions. Payments made by the firms concerned are in line with what is payable for such activities in the community.

Question No. 360 answered with Question No. 356.

Disability Support Services.

361. **Ms C. Murphy** asked the Minister for Justice, Equality and Law Reform if there are

arrangements in place to offer an information pack regarding entitlements to persons with disability and their families following the diagnosis of disability; if there are no such arrangements in place, if he will introduce such a pack; and if he will make a statement on the matter. [34762/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The issue raised by the Deputy is a matter for Comhairle in the first instance, and for my colleague, the Minister for Social and Family Affairs.

Visa Applications.

362. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the rights the spouses of Irish citizens have to enter into and live here, in view of the refusal to grant a visa to a person (details supplied). [34763/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my previous reply to Question No. 515 of Tuesday, 8 November 2005, and Questions Nos. 176 to 179 of Thursday, 10 November 2005, in which I clearly stated the reason for refusal for this particular applicant. It is important to state at the outset that marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. A visa required non-EEA spouse of an Irish national must apply for a visa to enter the State. This application will be assessed on its own merits, in accordance with general policy.

The visa system operates under the principle that the onus is at all times on the applicant to satisfy this Department that it would be in order to grant them a visa. In this case as I have clearly stated in my previous replies to the Deputy, inconsistencies were noted in the information supplied by the applicant with regard to her employment history.

I also advised the Deputy that the applicant had leave to appeal the decision within two months of the refusal date and this remains the position. My Department has received no such appeal to date.

Victim Support.

363. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to funding for victim support; the amount his Department allocates to victim support organisations; and if he will make a statement on the matter. [34764/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Funding for services providing victim support is provided through the commission for the support of victims of crime which I established in March 2005 following a review of

[Mr. McDowell.]

existing provision for crime victims. The commission's term of office is for three years and its members are: Mr. Jim McHugh, retired assistant commissioner, the Garda Síochána, who is the chairman; Ms Nora Owen, former Minister for Justice, Equality and Law Reform; Mr. Sean Lowry, former head of the probation and welfare service; Mr. Michael Whelan, Gemini Consulting; Ms Marian Finucane, broadcaster.

Its remit is to: devise an appropriate support framework for victims of crime into the future and disburse funding for victim support measures. The sum of €750,000 has been made available for disbursement under commission supervision in 2005 to community and other voluntary groups providing victim services, with a particular emphasis on the funding of activities on the ground that provide direct supports for victims of crime. I am advised that the commission received over 60 applications for funding for measures to support victims of crime in response to a public advertisement earlier this year. The commission examines each application on its merits and makes an independent decision in relation to eligibility for funding.

In 2005 the commission has approved funding for the following organisations: the national crime victims helpline — a single lo-call number manned by volunteers and providing information on all services available to victims of crime, which I launched on Monday, 14 November; Rape Crisis Network; Women's Aid Dublin; Irish Tourist Advisory Service, ITAS; Support after Homicide Group; Advic — a new organisation providing advocacy for families of homicide victims; Court Support Service — providing impartial practical support for victims and witnesses in court proceedings; Muintir na Tire — follow-up support for elderly rural crime victims; ICPAC — Irish Centre for Parentally Abducted Children; CARI — services to child abuse victims.

In all, the commission has approved funding of €411,000 to date. This includes commission agreement in principle to fund a further 16 applications. The commission is currently in correspondence with those applicants. The commission is also currently considering applications from the Victim Support organisation, which my Department funded up to March 2005, as well as from several groups that were formerly part of that organisation.

Child Care Services.

364. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when contracts will be sent to a person (details supplied) in County Mayo following their approval for funds under the equal opportunities child care programme. [34765/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The private provider in question was approved capital grant assistance of €50,790 under the Equal Opportunities Childcare Programme, EOCP, 2000 — 2006, in September 2005. The private provider has been advised of the decision by the child care directorate of my Department.

I understand from inquiries I have made with Area Development Management Ltd., which is engaged to administer the EOCP on behalf of my Department, that the contract in relation to this grant has recently issued to the grant recipient.

Asylum Applications.

365. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform when an asylum appeal will be heard for a person (details supplied) in County Westmeath. [34766/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): It is not the practice to comment in detail on individual asylum applications. Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

Liquor Licensing Laws.

366. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will raise the age limit to 21 for persons buying alcohol from off-licences due to the unsupervised distribution issue; and if anti-social behaviour will be reduced in our communities. [34767/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The position is that the Government legislation programme published on 27 September last makes provision for publication of a Bill to codify the licensing laws in mid-2006. It will repeal the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replace them with updated provisions more suited to modern conditions.

The reform proposals contained in this Bill will take account of the work of the Commission on Liquor Licensing and the recommendations set out in the commission's reports. As regards the current age limit of 18 years, the commission did not recommend any changes in existing legislative provisions and I do not propose therefore to increase the current legal age for the purchase and consumption of intoxicating liquor to 21 years.

I am conscious of public concerns in relation to alcohol related harm in our society and the Bill will therefore contain improved safeguards and provide for increased penalties in order to combat such harm. These include: extending the jurisdiction of the District Court to all retail licences and giving specified notice parties, including the health authority and members of the public, the right to object to the grant of a licence; streamlining the system for renewing licences and clarifying the right of members of the public to object to renewal in any particular case on stated grounds; strengthening provisions designed to combat sales to under-age persons by, for example, requiring all off-sales premises to have written policies and control procedures; supplementing existing offences relating to under-age consumption of alcohol with a new offence of being in possession of a forged Garda age card; and increasing the levels of penalties and sanctions, including a proposal that all temporary closure orders should involve closure for a minimum of two days.

The Bill will also allow the Garda to object to applications for new retail licences on the grounds of an undue risk of public nuisance or a threat to public order or safety. In addition, it will contain provisions for dealing with drunkenness and disorderly conduct on licensed premises, as well as combating the sale and supply of alcohol to under age persons.

Residency Permits. —

367. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when an application for a person (details supplied) in County Clare will be processed; and if he will make a statement on the matter. [34821/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned submitted an application in March 2005 to remain in the State on the basis of being the parent of an Irish born child under the revised arrangements announced by me on 15 January 2005 for the processing of applications for permission to remain in the State from the non-national parents of Irish born children born before 1 January 2005. Their application is being processed and the person concerned has been requested to provide further documentation to enable this process to be completed.

European Arrest Warrants.

368. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the progress which has been made in processing the extradition warrant for a person (details supplied); the reason their extradition hearing in Britain has been adjourned five times; if there has been a problem with the paperwork of the European

arrest warrant; and if he will make a statement on the matter. [34824/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As Minister for Justice, Equality and Law Reform, acting as the central authority for the European arrest warrant, I have only a limited function in relation to outgoing European arrest warrants which is to ensure their safe transmission to the receiving state and in some cases the transmission of additional information. In this particular case the UK authorities had requested the central authority to provide certain additional information. The central authority subsequently transmitted the requested information to the UK authorities.

The court also requested that the Irish authorities be asked to provide an indication of its approach to an issue concerning the sentence currently being served by the subject of the European arrest warrant for other offences committed in the UK. This request was not transmitted to the Irish authorities before the most recent court hearing concerning the European arrest warrant request. I am informed that it will be available to the court before the next hearing date in early December.

I have had inquiries made with the Garda Síochána in relation to this case. The Garda has informed me that they are in close contact with their counterparts in the UK and that no issue has been raised in respect of the validity of the European arrest warrant.

Firearms Offences.

369. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform if new information has recently come to light that would cast doubt on the arrest of a person (details supplied) for the alleged possession of an illegal firearm and ammunition. [34828/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have received a number of communications by and behalf of the person in question. I am currently considering my response to these communications and a reply will issue in due course.

Garda Deployment.

370. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of serving gardaí in each Garda district in Cork city and county and the population in each such Garda district. [34875/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of each Garda

[Mr. McDowell.]

district in Cork city and county as at 15 November 2005 was as set out in the table. Corresponding population figures sourced from the CSO 2002 census of population are also included.

District	Strength	Population
<i>Cork City</i>		
Anglesea Street	293	36,469
Gurrabraher	90	44,598
Mayfield	104	38,892
Togher	127	79,234
<i>Cork North</i>		
Cobh	53	29,998
Fermoy	71	26,331
Mallow	57	29,094
Midleton	64	29,540
<i>Cork West</i>		
Bandon	87	28,712
Bantry	40	18,761
Clonakilty	43	24,186
Kanturk	40	20,731
Macroom	38	22,087

It should be noted that the allocation of Garda personnel is determined by a number of factors including population, administrative functions, crime trends and other operational policing needs of the area. I should point out that Anglesea Street Garda station is the divisional headquarters for the Cork city division. It is also the regional headquarters for the southern division. Anglesea Street station polices Cork city centre and in relation to the population figure, it must be noted that this relates to the resident population only and would not include people who socialise, shop or work in the city centre area.

Garda management states that Garda personnel assigned throughout the country, together with the overall policing arrangements and operational strategy are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

In relation to Garda resources generally, the accelerated recruitment campaign to reach a record force strength of 14,000, in line with the commitment in An Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources, and in this context the needs of Garda districts in Cork city and county will be fully considered within the overall context of the needs of Garda districts throughout the country.

Probation and Welfare Service.

371. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the restorative justice pilot projects, including intentions to evaluate them; when the findings are likely to be made public and when the pilot projects will be extended to other areas. [34943/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 1041 of 28 September 2005. Both the Nenagh community reparation project and the restorative justice services, Tallaght, formerly known as the victim-offender mediation project, have been evaluated and the reports on the evaluations are available, on request, from the respective projects or from the probation and welfare service, Smithfield Chambers, Smithfield, Dublin 7. My Department is currently examining the feasibility of further extending the restorative justice projects to other locations.

372. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount of funding given to probation and welfare services each year for the past ten years. [34944/05]

373. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the amount of funding given to prison services each year for the past ten years. [34945/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 372 and 373 together.

The funding provided to the prison and probation and welfare services is as set out in Vote 21 of the annual report of the Comptroller and Auditor General and Appropriation Accounts, Volume 2, for each year up to and including 2003. Details for 2004 are set out in the Comptroller and Auditor General's audited appropriation accounts for that year.

Garda Deployment.

374. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí tasked with being juvenile liaison officers each year for the past ten years. [34946/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have sought the information requested by the Deputy from the Garda authorities and I will be in contact with the Deputy as soon as it becomes available.

375. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the elements of the Children Act 2001 that have yet to be enacted and the reason therefor. [34947/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will appreciate that

the Children Act 2001 is complex and comprehensive legislation and, for those reasons, provisions under the Act are being implemented on a phased basis, as was envisaged at the time of enactment. Responsibility for implementing the Children Act 2001 lies with three Departments: the Departments of Justice, Equality and Law Reform and Education and Science mainly in respect of juvenile offending, and the Department of Health and Children mainly in respect of children who are non-offending but out of control. The National Children's Office is co-ordinating the cross-departmental aspects of the implementation of the Act.

Three main areas of the Act for which I have responsibility remain to be brought into operation. These concern the age of criminal responsibility, community based options and the provision of children detention centres for 16 and 17 year old offenders.

As stated, it was envisaged at the time of enactment that the provisions of this Act would be implemented on a phased basis. The community sanction provisions are largely a matter for the probation and welfare service of my Department to implement. In line with this, provision is being made by the probation and welfare service to allow for the commencement, on a phased basis, of the remaining sections of the Act relevant to the probation and welfare service.

Currently, young offenders coming before the courts may be placed under the supervision of the probation and welfare service in accordance with: section 2 of the Probation of Offenders Act 1907, probation orders, or section 3 of the Criminal Justice (Community Service) Act 1983, 16 years or over. Since May 2002, a restriction on movement order under sections 133 to 136, may be imposed. In addition, since July 2004, courts can order that a family conference be arranged by the probation and welfare service with all interested parties in a case so that an action plan can be drawn up in the individual case. The child concerned must have acknowledged his or her culpability and the action plan must come back to court for approval. If the child complies with the elements of the action plan, the court may, at the end of the period covered by the plan, dismiss the charge(s).

A pilot mentor project, sections 131 to 132, has commenced in the north Dublin area. A pilot parental supervision programme, sections 112 to 113, which focus on parenting skills has also commenced in the south Dublin area.

Other provisions under the Act require capital investment prior to commencement for buildings, equipment and expanding programmes. Work is already underway regarding some of these provisions. Under the day centre order, Part 9, sections 118 to 123, a new probation office which is due to open in Cork very shortly will have provision for meeting the requirements of the day centre order. The development of a similar provision for the Tallaght area has been incorporated into plans for the new Tallaght probation and

welfare service office which is expected to be completed in 2006.

Under the probation — training or activities programme — order, Part 9, section 124, the probation and welfare service has identified programmes already being funded through the service that meet the service requirements under this sanction. In addition, the service is also working toward the development of additional facilities suitable for use. With regard to the probation, intensive supervision, order, Part 9, section 125, preliminary meetings have taken place to explore the feasibility of establishing two pilot intensive supervision programmes in Cork and Dublin, utilising existing intensive probation supervision projects. Preparatory work is ongoing in this regard.

Under the probation, residential supervision, order, Part 9, sections 126 to 127, a document has been prepared outlining standards for probation and welfare service funded hostels. In preparation for meeting these standards, staff of hostels will require training and development. Work is underway to identify suitable training which will meet these needs and training will be organised for staff over the coming months. Inspections of the hostels, in accordance with section 126(4) of the Act, has commenced. In addition, Cork probation hostel is being extended and refurbished to meet the required standards and this hostel is expected to reopen very shortly.

The suitable person, care and supervision, order, Part 9, sections 129 to 130, will require the same rigorous recruitment, screening and training elements as outlined in the standards on practices and procedures in foster care. Suitable persons will have to be recruited and trained. Work on implementation of this order is expected to commence early next year. The dual order, Part 9, sections 137 to 139, sanction will be developed, on a phased basis, as day centres become available.

With regard to places of detention, Part 9, section 150, under the Children Act, I, as Minister for Justice, Equality and Law Reform, will be obliged to provide separate detention facilities for 16 and 17 year old boys and girls who are committed to custody by the courts, either on remand or under sentence. The primary objective of these detention centres will be to provide a secure but supportive environment in which young offenders can develop the personal and social skills necessary to avoid future offending. The Deputy may wish to know that the Minister of State at my Department, Deputy Brian Lenihan, who has responsibility for children, is examining the outcome of a recent review in my Department of the scope for rationalising and restructuring the delivery of the State's services in the area of youth justice in accordance with the Children Act 2001. The intention is to bring proposals arising from this examination to Government in the very near future, including proposals in the area of detention.

[Mr. McDowell.]

The issue of the appropriate age of criminal responsibility is being considered in the context of implementing the remaining aspects of the Children Act 2001 and the review of youth justice services which is currently being finalised in this Department.

Question No. 376 answered with Question No. 357.

Schools Building Projects.

377. **Mr. Andrews** asked the Minister for Education and Science if the inclusion of a sports hall for a school (details supplied) in County Wicklow will be considered in the next round of announcements for school building projects. [34746/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of an application for major capital funding for a sports hall from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

School Curriculum.

378. **Ms Enright** asked the Minister for Education and Science her views on whether school programmes adequately deal with sex, relationship, gender and gender-based violence; and if she will make a statement on the matter. [34747/05]

383. **Ms Enright** asked the Minister for Education and Science her views on whether school programmes adequately deal with sex, relationship, gender and gender-based violence in mainstream education programmes; and if she will make a statement on the matter. [34752/05]

390. **Mr. English** asked the Minister for Education and Science her plans to introduce a meaningful sex, relationship, gender and gender-based violence component into mainstream education programmes; and if she will make a statement on the matter. [34778/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 378, 383 and 390 together.

All recognised primary and second level schools are required to offer relationships and sexuality education, RSE. It is an integral part of the social, personal and health education, SPHE, curriculum at primary level and at junior cycle second level where it has been made mandatory for all schools with effect from September 2003. In addition, all second level schools are required to have an agreed school policy and a suitable

relationships and sexuality education programme in place for senior cycle pupils. Comprehensive guidelines for junior cycle and senior cycle have also been published and provided to schools by the NCCA to support the RSE aspects of the curriculum. An integrated SPHE programme at senior cycle incorporating RSE is being developed.

The overall aims of the SPHE curricula are: to foster the personal development, health and well-being of students and help them to create supportive relationships and become responsible citizens; to develop a framework of values, attitudes, understanding and skills that will inform their actions and decision making; and to establish and maintain healthy patterns of behaviour.

At primary level, SPHE is one of the seven curriculum areas in the revised primary school curriculum that was introduced in 1999. SPHE has been implemented in all schools since September 2003 and is taught to pupils from junior infants' class to sixth class. One of the three strands within SPHE is *Myself*. The strand units within this include: taking care of my body; growing and changing; and safety and protection. This means that pupils from the beginning of their primary schooling learn, in an age-appropriate way, how their bodies develop, the importance of caring for one's body and that of others with dignity and respect and how to identify people, places and situations that may threaten personal safety.

The SPHE modules at junior cycle in second level schools deal specifically with belonging and integrating, handling conflict constructively, dealing with peer pressure, influences on decision-making, relationships and sexuality in terms of values, reproductive system, tackling myths about sex and pregnancy, personal safety, substance use and the impact of teenage pregnancy.

Two of the SPHE modules relate specifically to relationships and sexuality and personal safety. The aims of these modules include bringing students to an understanding of the physical changes that take place during adolescence and exploring with them procedures for protecting their personal safety along with appropriate responses when their safety is threatened. In third year, an awareness of help agencies is promoted and students' skills for obtaining access to them are developed.

For senior cycle students, all schools are required to have an agreed school policy and a suitable relationships and sexuality education programme in place. The RSE programme at senior cycle deals further with these issues and includes pregnancy, contraception, sexually transmitted diseases, sexual harassment, sexual assault, and accepting sexual orientation.

The Department of Education and Science has developed two sets of resource materials that are particularly relevant to this area for use with transition year and senior cycle students as part of an SPHE programme. These are: BALANCE —

Who cares? and Exploring Masculinities. These resources use a variety of materials and strategies to explore and discuss issues of gender equality. Specific attention is paid to addressing both sexual harassment and domestic violence in both resources. Also included in the Exploring Masculinities resources are materials on bullying and child sexual abuse.

All second level schools provide a guidance and counselling service for their students and they receive ex-quota hours from the Department for this provision. Guidance counsellors are qualified to provide counselling support to students who may have suffered abuse and to assist them in accessing appropriate help when needed.

Domestic Violence.

379. **Ms Enright** asked the Minister for Education and Science when policies for schools on disclosure and appropriate referral where children have experienced violence in the home will be introduced; and if she will make a statement on the matter. [34748/05]

391. **Mr. English** asked the Minister for Education and Science when policies will be introduced for schools on disclosure and appropriate referral where children have experienced violence in the family; and if she will make a statement on the matter. [34779/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 379 and 391 together.

Child protection guidelines for primary and post-primary schools, which were distributed to primary and post-primary schools in 2001 and 2004 respectively, were produced in consultation with the partners in education to meet the needs for schools to have in place clear procedures which teachers and other school staff should follow where they suspect, or are alerted to, possible child abuse.

The guidelines cover four different types of abuse; neglect, emotional abuse, physical abuse and sexual abuse. The guidelines provide management authorities and staff with guidance on recognising the signs and symptoms of child abuse and with procedures for dealing immediately with such concerns.

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. The designated liaison person will act as a liaison for the school in all dealings with the Health Service Executive, the Garda Síochána and other parties, in connection with allegations of and/or concerns about child abuse and as a resource person to staff who may have child protection concerns.

Schools Building Projects.

380. **Ms Enright** asked the Minister for Education and Science her plans to provide a proper school building for a school (details supplied); and if she will make a statement on the matter. [34749/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has applied for a new school building. My Department acknowledges that there is no scope for the development of the existing site. Therefore, among the options being considered is the possibility of securing a greenfield site in the area where the school is located to provide a new building.

The property management section of the Office of Public Works, which acts on behalf of my Department in site acquisitions generally, will pursue this matter in tandem with other options being considered by my Department. My Department recognises the need for a solution to the school's accommodation difficulties and it is committed to working with the school authorities to achieve a satisfactory solution as soon as possible.

School Accommodation.

381. **Ms Enright** asked the Minister for Education and Science her plans to provide a school building for a school (details supplied) in Dublin 7; if her attention has been drawn to the fact that the lease for this school was due to expire in June 2005; and if she will make a statement on the matter. [34750/05]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department have been informed by the school to which the Deputy refers that it must vacate its existing accommodation by the end of June 2006. My Department is aware that the sourcing of alternative accommodation in this location will be problematical and it is actively seeking suitable alternative accommodation for the school.

Schools Refurbishment.

382. **Mr. P. Breen** asked the Minister for Education and Science the status of an application regarding a school (details supplied) in County Clare for a summer works scheme 2006; and if she will make a statement on the matter. [34751/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has made an application for funding under the summer works scheme 2006. All applications under this scheme are currently being examined in school planning section of my Department. The list of successful applicants will be published when the assessment process is completed.

Question No. 383 answered with Question No. 378.

Capitation Grants.

384. **Dr. Cowley** asked the Minister for Education and Science her views on whether financial allocation towards schools here needs to be addressed in this year's budgets in order that 12 to 19 years olds can realise their potential; and if she will make a statement on the matter. [34753/05]

Minister for Education and Science (Ms Hanafin): There have been significant improvements in the level of funding for second level schools in recent years. In addition to the increases in the standard *per capita* grant that now stands at €286 per pupil from January last, voluntary secondary schools have benefitted additionally by the introduction of grants under the school services support initiative. The standard support services grant that was increased to €103 from January 2005, was increased further to €145 per pupil in the case of voluntary secondary schools. This increased grant of €42 per pupil is paid in addition to the range of equalisation grants of up to €15,554, that is €44.44 per pupil, per annum that have also been approved for voluntary secondary schools.

Teacher allocations for second level schools are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. In general a ratio of 18:1 is applied in respect of recognised pupils on established junior certificate, leaving certificate, repeat leaving certificate and transition year programmes and a ratio of 16:1 is applied in respect of recognised pupils on the leaving certificate vocational programme, post leaving certificate courses and leaving certificate applied. There have been significant improvements in the pupil teacher ratio at post-primary level in recent years. In 1997/98, there was one teacher for every 16 pupils. For the school year 2004/05, the pupil-teacher ratio has fallen to 13.4:1.

There also has been enormous progress made over the past number of years on increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At second level, there are approximately 1,614 whole-time equivalent teachers in place to support pupils with special educational needs. This compares to approximately 558 teachers who were in place in the 2001/002 school year for such pupils. In addition, there are currently 1,023 whole-time equivalent special needs assistants, SNAs, in our second level schools compared to 292 in the 2001/2002 school year.

The new action plan for educational inclusion, DEIS, delivering equality of opportunity in schools, aims to ensure that the educational needs of children and young people from disadvantaged communities are prioritised and effectively addressed. The plan provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon a number of existing interventions for schools with a concentrated level of disadvantage.

At second level, this new standardised system for identifying disadvantage in schools will replace all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. As a result, some 150 second level schools, that will be included in a new school support programme, SSP, will benefit from additional staffing and funding supports, including increased funding under the school book grant scheme, access to home school community liaison scheme services, access to a range of supports, both academic and non-academic, to retain young people in school and so forth. These measures will be extended to second level schools in the school support programme on a phased basis.

These significant increases in the funding of post-primary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Educational Disadvantage.

385. **Dr. Cowley** asked the Minister for Education and Science her views on whether educational disadvantage is not currently being addressed; her plans to change same; and if she will make a statement on the matter. [34754/05]

Minister for Education and Science (Ms Hanafin): A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

The wide variety of measures in place for tackling educational disadvantage and social exclusion reflect these concerns. These measures range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants, measures to tackle early school leaving and strengthen ties between the school, the family and the community. In addition, there are interventions in support of youth and in providing second chance education for young people and adults.

DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion which I launched last May, aims to ensure that the educational needs of children and

young people from disadvantaged communities are prioritised and effectively addressed. The plan provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon a number of existing interventions for schools with a concentrated level of disadvantage. Approximately 600 primary schools and 150 second level schools will be included in the school support programme.

The new action plan will be implemented on a phased basis over the next five years, starting during the current school year, and will involve an additional annual investment of €40 million on full implementation. It will also involve the provision of some 300 additional posts across the education system.

Since 1997, the Government has increased funding on specific measures at primary and second level to tackle educational disadvantage by some 130% — from some €50 million in 1998 to about €120 million in the current year. The additional €40 million annual investment under this action plan on full implementation will represent a 33% increase on current expenditure and a three-fold increase in spending in this area since 1998.

The action plan will address all of the following key issues and needs: improving identification of disadvantage — a standardised approach will allow my Department to target resources more effectively; increasing early childhood education provision in the most disadvantaged communities; improving supports for pupils with low attainment levels in literacy and numeracy; enhancing procedures for measuring the outcomes achieved from educational inclusion measures; enhancing integration and partnership working, both within the education sector itself and cross-sectorally; enhancing professional development supports for principals and school staff; and enhancing research and evaluation.

The new action plan represents a shift in emphasis away from individual initiatives, each addressing a particular aspect of the problem, with the new plan adopting a multifaceted and more integrated approach. This is the first time that an integrated educational inclusion strategy has been developed for three to 18 year olds in this country.

A crucial aspect of the action plan will be a more developed planning process, implemented through the school development planning initiative, and improved arrangements for measuring progress and outcomes, at both local and national level.

Special Educational Needs.

386. **Dr. Cowley** asked the Minister for Education and Science her plans to change the current teaching of special needs students in view of

the fact that the learning support for the mainstreaming of pupils with special needs is entirely inadequate; and if she will make a statement on the matter. [34755/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the general allocation of learning support/resource teachers, LS/RTs, is intended to cater for children with learning support and high incidence special educational needs. The system was constructed so that LS/RT allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard.

The new system has a number of benefits associated with it. It puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels. It facilitates early intervention as the resource is in place when the child enrolls. It reduces the need for individual applications and supporting psychological assessments. It allows flexibility to school management in the deployment of resources, leading to a more effective and efficient delivery of services.

In introducing the general allocation system transitional arrangements were also introduced whereby transitional hours were allocated to schools to cater for children for whom individual teaching resources had previously been allocated but which it would not have been possible for the school to continue to provide from its general allocation. In the circumstances no child should have experienced a loss of resource teaching support.

In the circumstances I have no plans to change the current mechanism of allocating teaching resources to schools to support pupils with special educational needs. It is intended that a review of the general allocation model will be undertaken within three years of operation.

I am satisfied that at this stage the general allocation system is working well and has been favourably received by schools. My Department will continue to work with schools and the education partners with a view to ensuring that this remains the case going forward.

I would add that there are now over 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998. Indeed, one out of every five primary school teachers is now working specifically with children with special needs.

Pupil-Teacher Ratio.

387. **Dr. Cowley** asked the Minister for Education and Science her views on whether the staffing figures in secondary schools needs to be

[Dr. Cowley.]

addressed as the average figure here is 59.5 classroom teachers per 1,000 teachers compared to the OECD average of 72.9 classrooms teachers per 1,000 teachers; and if she will make a statement on the matter. [34756/05]

388. **Dr. Cowley** asked the Minister for Education and Science her plans to change the current situation where 30,000 adolescent students are in classes of 30 or more; and if she will make a statement on the matter. [34757/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 387 and 388 together.

Teacher allocations for second level schools are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. In general a ratio of 18:1 is applied in respect of recognised pupils on established junior certificate, leaving certificate, repeat leaving certificate and transition year programmes and a ratio of 16:1 is applied in respect of recognised pupils on the leaving certificate vocational programme, post leaving certificate courses and leaving certificate applied.

Each school management authority is required to organise its curriculum, teaching time-table and subject options having regard to pupils' needs within the limits of its approved teacher allocation. The rules for allocating teaching posts provide that where a school management authority is unable to meet essential curricular commitments, my Department will consider applications for additional short-term support. An independent appeals committee is available to school authorities who wish to appeal the adequacy of their teacher allocation.

School Accommodation.

389. **Mr. Howlin** asked the Minister for Education and Science if the arrangements put in place in 2005 to allow out-of-catchment or disputed catchment pupils from certain schools in north Wexford to be enrolled in a school (details supplied) in County Wexford, will continue in place in 2006 and until additional secondary school accommodation is provided for north Wexford in Kilmuckridge and Gorey; and if she will make a statement on the matter. [34758/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers is heavily oversubscribed as a result of a significant number of pupils enrolling from outside its catchment area. The development of this type of situation can impact negatively on pupils from within the catchment area and who are entitled, as of right, to a place in a particular school. It also

invariably impacts negatively on the school or schools to which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their catchment areas to ensure that such situations do not arise.

As a once-off exceptional measure, my Department decided that a number of named pupils from outside the catchment area to which the Deputy refers would be allowed to enrol in the school in question for the 2005/2006 school year. This decision was taken because the pupils concerned had an expectation that they would be enrolling in the school and did not have sufficient notice to secure alternative placements.

It was made clear to the school authority in July of this year that this arrangement would apply for the 2005/06 school year only. It was made equally clear that the arrangement did not create a precedent and that it would not be repeated in subsequent years. I am satisfied that there are adequate places for the enrolment of the pupils in question in schools in their own post-primary centres. I am also satisfied that adequate notice has been given to the particular school concerned to ensure that it implements an appropriate enrolment policy for the 2006/07 school year in the best interests of its own pupils. In the circumstances, my Department's position in this matter remains unchanged.

Question No. 390 answered with Question No. 378.

Question No. 391 answered with Question No. 379.

Youth Services.

392. **Ms O'Donnell** asked the Minister for Education and Science the status of the allocation of the additional €5.5 million announced for youth development in the 2005 budget estimates; the progress which has been made on implementation of the national youth work development plan; and if she will make a statement on the matter. [34784/05]

Minister for Education and Science (Ms Hanafin): The additional allocation made available for youth work purposes in 2005 is catering for a number of developments under the Youth Work Act 2001 and the national youth work development plan and for enhancements to existing youth work programmes and services, and will be fully expended by year end.

Under the national youth work development plan, to date in 2005 additional funding has been provided in the following areas: establishment of ten new special projects for disadvantaged youth, upgrade of 20 single worker special projects to

two worker projects, review of youth work funding; review of youth information provision, continued support of the child protection training programme, establishment of a development fund for youth work organisations and establishment of a North-South youth work training endorsement panel.

Funding will be allocated in the near future for the establishment of a national youth work development unit and for the capacity development of vocational education committees to carry out their responsibilities under the Youth Work Act 2001 as well as other youth work activities.

Modern Language Teaching.

393. **Mr. Quinn** asked the Minister for Education and Science if her attention has been drawn to the efforts being made by a group (details supplied) to have a memorial centre built in memory of a person who founded the Irish Naval Service; if an application has been received for funding towards the construction of a building and related interpretative material; if her attention has further been drawn to the potential to attract a substantial number of Argentine students here to attend language courses during the winter months in the northern hemisphere; the financial funding she will give to the memorial centre. [34787/05]

Minister for Education and Science (Ms Hanafin): My Department has not received an application for funding towards the construction of a memorial centre as referred to by the Deputy. My Department would not have any funding available for such a project.

According to the Advisory Council for English Language Schools, the number of students from South America, including Argentina, coming to Ireland to study English has been on the increase in recent years. As the Deputy may be aware, my Department published a report on the internationalisation of Irish education services in 2004 with a number of important recommendations, including the establishment of a new body, Education Ireland.

Education Ireland, which will incorporate the International Education Board of Ireland and the Advisory Council for English Language Schools, will be the leading body responsible for the promotion of Ireland as a centre of excellence in education. It will work with educational institutions and relevant agencies to plan for the expansion of quality educational services for all international students.

Psychological Service.

394. **Ms Enright** asked the Minister for Education and Science the procedure for NEPS psychologists with regard to prioritising assessments;

and if she will make a statement on the matter. [34818/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of the new model recently introduced by my Department for the general allocation to primary schools of resources for children with special educational needs. This ensures that children within the high incidence categories of special needs will have their automatic entitlements to additional teaching resources dealt with in an efficient and effective manner, without the requirement of a psychological assessment. However, I accept that parents and teachers will require psychological assessments in order to provide more information and advice in particular cases.

In common with many other educational psychological services, the national educational psychological service, NEPS, operates a staged model of service to schools, whereby an initial referral usually leads to a consultation and provision of advice to teachers and parents on appropriate teaching and management strategies. Progress is kept under review and only those children who fail to respond to these interventions will need to see a psychologist. This allows the psychologists to offer early appointments to children who are in urgent need of support and early advice to teachers in respect to those children whose needs are perhaps less pressing but who still need additional help in school.

Principal teachers refer children to NEPS psychologists assigned to the schools and the urgency in each case is discussed on the visit of the psychologist to the particular school. Where serious disabilities are suspected in a school going child, NEPS, in consultation with principal teachers, prioritises an assessment to ensure that there is not a long waiting time. If the child attends a school that is not yet served by NEPS, an assessment may be arranged under the scheme for commissioning psychological assessments, SCPA. Principals of schools that avail of this scheme prioritise the more serious cases for early assessment.

Residential Institutions Redress Scheme.

395. **Mr. Costello** asked the Minister for Education and Science if a nursing home (details supplied) will be included in the list of institutions covered by the Residential Institutions Redress Board; and if she will make a statement on the matter. [34822/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that the Minister for Education and Science may, by order, provide for the insertion in the Schedule of additional institutions in which children were placed and resi-

[Ms Hanafin.]

dent and in respect of which a public body had a regulatory or inspection function.

Since the enactment of the legislation, my Department has been contacted by individuals and/or solicitors about various institutions not specified in the Schedule, including the institution mentioned by the Deputy. Following consideration of the matter and consultation with relevant public bodies, I signed an order on 9 November 2004 which provided for the inclusion of 13 additional institutions in the Schedule. A further order was made on 1 July 2005 adding three institutions to the Schedule. The institution referred to by the Deputy did not qualify for inclusion under the provisions of section 4 of the Act.

The question of including additional institutions has now been fully considered by my Department in consultation with relevant Departments and it is not proposed to add any further institutions to the Schedule at this point.

Teaching Qualifications.

396. **Ms Enright** asked the Minister for Education and Science if the qualifications of a person for a post (details supplied) were referred to her Department by the relevant vocational educational committee, in order to have these qualifications assessed, either before appointment or since appointment to that post; and if she will make a statement on the matter. [34831/05]

Minister for Education and Science (Ms Hanafin): The qualifications in question were not referred to my Department. My Department prescribes qualifications for appointment to such posts but does not sanction individual appointments. The making of an appointment to the post in question is a matter for the vocational education committee as the employer. The vocational education committee has confirmed to my Department that the successful candidate qualifies in accordance with the criteria set down for the position.

School Enrolments.

397. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34833/05]

398. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34834/05]

401. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34837/05]

402. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34838/05]

403. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34839/05]

404. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering first year for each year since 1995 in a school (details supplied) in Dublin 12. [34840/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 397, 398, 401, 402, 403 and 404 together.

The information requested is being compiled by my Department and will be forwarded to the Deputy.

399. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 6. [34835/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
19907I	Gaelscoil Mologa	Bothar Chlareville	1995	5TH	6	11
				6TH	10	4
			1996	5TH	9	9
				6TH	6	11
			1997	5TH	10	9
				6TH	9	9
			1998	5TH	8	10
				6TH	10	9
			1999	5TH	15	14
				6TH	7	9

Roll No.	School Name	Address	Year	Standard	Boys	Girls
			2000	5TH	19	16
				6TH	13	14
			2001	5TH	24	23
				6TH	19	15
			2002	5TH	15	25
				6TH	26	19
			2003	5TH	15	12
				6TH	14	21
			2004	5TH	12	8
				6TH	12	12

400. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 6. [34836/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
19924I	Harold's Cross N S	Harold's Cross	1995	5TH	24	6
				6TH	18	5
			1996	5TH	16	12
				6TH	23	6
			1997	5TH	22	10
				6TH	17	12
			1998	5TH	16	9
				6TH	21	9
			1999	5TH	17	9
				6TH	15	8
			2000	5TH	15	8
				6TH	16	9
			2001	5TH	15	8
				6TH	14	9
			2002	5TH	15	6
				6TH	15	8
			2003	5TH	8	7
				6TH	19	6
			2004	5TH	17	6
				6TH	8	8

Questions Nos. 401 to 404, inclusive, answered with Question No. 397.

405. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since

1995 in a school (details supplied) in Dublin 12. [34841/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
19669S	Lady of Good Counsel NS	Mourne Road	1995	5TH	41	0
				6TH	35	0
			1996	5TH	50	0
				6TH	41	0

[Ms Hanafin.]

Roll No.	School Name	Address	Year	Standard	Boys	Girls
			1997	5TH	35	0
				6TH	50	0
			1998	5TH	34	0
				6TH	35	0
			1999	5TH	37	0
				6TH	32	0
			2000	5TH	34	0
				6TH	40	0
			2001	5TH	33	0
				6TH	31	0
			2002	5TH	36	0
				6TH	33	0
			2003	5TH	32	0
				6TH	33	0
			2004	5TH	34	0
				6TH	33	0

406. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 12. [34842/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
19889J	Scoil Colm	Armagh Road	1995	5TH	51	0
				6TH	55	0
			1996	5TH	50	0
				6TH	54	0
			1997	5TH	26	0
				6TH	50	0
			1998	5TH	42	0
				6TH	29	0
				OTHER	3	0
			1999	5TH	42	0
				6TH	46	0
				OTHER	2	0
			2000	5TH	29	0
				6TH	39	0
			2001	5TH	28	0
				6TH	30	0
			2002	5TH	29	0
				6TH	28	0
			2003	5TH	49	0
				6TH	26	0
			2004	5TH	49	0
				6TH	48	0

407. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 12. [34843/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
20014W	St Agnes N S	Armagh Road	1995	5TH	0	34
				6TH	0	44
			1996	5TH	0	37
				6TH	0	33
			1997	5TH	0	37
				6TH	0	38
			1998	5TH	0	47
				6TH	0	35
			1999	5TH	0	24
				6TH	0	48
			2000	5TH	0	26
				6TH	0	26
			2001	5TH	0	19
				6TH	0	25
			2002	5TH	0	26
				6TH	0	20
			2003	5TH	0	33
				6TH	0	28
			2004	5TH	0	41
				6TH	0	33

408. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 12. [34844/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
17603B	Scoil Iosagain	Aughavannagh Road	1995	5TH	49	0
				6TH	47	0
			1996	5TH	35	0
				6TH	49	0
			1997	5TH	27	0
				6TH	36	0
			1998	5TH	22	0
				6TH	27	0
			1999	5TH	24	0
				6TH	23	0
			2000	5TH	17	0
				6TH	25	0
			2001	5TH	16	0
				6TH	16	0
			2002	5TH	23	0
				6TH	17	0
			2003	5TH	21	0
				6TH	22	0
			2004	5TH	14	0
				6TH	20	0

409. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 12. [34845/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

[Ms Hanafin.]

Roll No.	School Name	Address	Year	Standard	Boys	Girls
16964F	Scoil Mhuire Ogh 1	Loreto College	1995	5TH	0	71
				6TH	0	65
			1996	5TH	0	74
				6TH	0	66
			1997	5TH	0	45
				6TH	0	73
			1998	5TH	0	60
				6TH	0	45
			1999	5TH	0	42
				6TH	0	61
			2000	5TH	0	57
				6TH	0	45
			2001	5TH	0	58
				6TH	0	57
			2002	5TH	0	60
				6TH	0	59
			2003	5TH	0	52
				6TH	0	61
			2004	5TH	0	48
				6TH	0	52

410. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth classes for each year since 1995 in a school (details supplied) in Dublin 12. [34846/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
18386B	Marist National School	Clogher Road	1995	5TH	0	30
				6TH	0	30
			1996	5TH	0	30
				6TH	0	29
			1997	5TH	0	28
				6TH	0	28
			1998	5TH	0	21
				6TH	0	25
			1999	5TH	0	19
				6TH	0	19
			2000	5TH	0	18
				6TH	0	19
			2001	5TH	0	22
				6TH	0	18
			2002	5TH	0	20
				6TH	0	22
			2003	5TH	0	19
				6TH	0	16
			2004	5TH	0	20
				6TH	0	17

Schools Building Projects.

411. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in Dublin 12 has been seeking the replacement of its roof and the building of an extension to replace the portacabins for the past ten years; and her views on the delay. [34847/05]

412. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the fact that at a school (details supplied) in Dublin 12, at least one course, sports therapy, is in danger of not being completed. [34848/05]

413. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to an application from a school (details supplied) in Dublin 12 to make its premises disabled friendly; the resources available for ramps, automatic doors and so on; and if she will make a statement on the matter. [34849/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 411, 412 and 413 together.

The school planning section of my Department is in receipt of an application for major capital funding from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the

published prioritisation criteria for large-scale projects. Progress on the proposed works is being considered in the context of the schools building and modernisation programme for 2006 onwards.

In the meantime, under the summer works scheme, SWS, for 2005, the school received funding for the refurbishment of a home economics room. The management authorities have submitted a further application for funding under the SWS for 2006 for roof works. Officials in my Department have commenced assessment of all applications made under the current scheme, including the one in question, and I will publish details of the successful applicants when this process has been completed.

With regard to works to provide for access for all, this type of project is also appropriate for consideration under the summer works scheme. To date, the school has not applied for funding under this heading.

School Enrolments.

414. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth class for each year since 1995 in a school (details supplied) in Dublin 12. [34850/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

Roll No.	School Name	Address	Year	Standard	Boys	Girls
19837N	Drimnagh Castle CBS N S	Drimnagh Castle	1995	5TH	130	0
				6TH	115	0
			1996	5TH	127	0
				6TH	129	0
			1997	5TH	104	0
				6TH	130	0
			1998	5TH	99	0
				6TH	101	0
			1999	5TH	125	0
				6TH	97	0
			2000	5TH	95	0
				6TH	121	0
			2001	5TH	85	0
				6TH	90	0
			2002	5TH	94	0
				6TH	89	0
			2003	5TH	68	0
				6TH	94	0
			2004	5TH	86	0
				6TH	67	0

415. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of pupils entering fifth and sixth class for each year since 1995 in a school (details supplied) in Dublin 12. [34851/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the table. It refers to the total number of pupils enrolled on 30 September in each of the years in question.

[Ms Hanafin.]

Roll No.	School Name	Address	Year	Standard	Boys	Girls
18170B	SN Muire Na Freastogala	Siuracha na Carthanachr	1995	5TH	0	68
				6TH	0	95
			1996	5TH	0	80
				6TH	0	68
			1997	5TH	0	83
				6TH	0	81
			1998	5TH	0	85
				6TH	0	84
			1999	5TH	0	60
				6TH	0	84
			2000	5TH	0	66
				6TH	0	59
			2001	5TH	0	78
				6TH	0	63
			2002	5TH	0	51
				6TH	0	77
			2003	5TH	0	60
				6TH	0	49
			2004	5TH	0	60
				6TH	0	60

School Management.

416. **Mr. F. McGrath** asked the Minister for Education and Science the reason a person (details supplied) in Dublin 3 was treated in an uncaring and unprofessional manner when they reported the matter in the 1990s; and the role of the CBS and CPMSA on this matter. [34852/05]

Minister for Education and Science (Ms Hanafin): My Department first became aware of the case referred to by the Deputy in October 1997 when the board of management of the school, in which the teacher concerned was employed, informed my Department that the teacher had been suspended. The case was closely monitored by my Department in the ensuing months and, in March 1998, the board informed my Department that the teacher had resigned. Recognition as a teacher was subsequently withdrawn from the teacher concerned.

It would not be appropriate for me to comment on the way in which the matter was dealt with by the CBS or the CPSMA when the report was made to them. However, I have arranged for a copy of the Deputy's question and my reply to be forwarded to them.

Higher Education Grants.

417. **Mr. G. Mitchell** asked the Minister for Education and Science the reason a person (details supplied) in Dublin 12 is not being awarded a full maintenance non-adjacent grant for the second year of a two year course; and if

she will make a statement on the matter. [34853/05]

Minister for Education and Science (Ms Hanafin): My Department funds three means tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one maintenance grant scheme in respect of students attending approved post leaving certificate courses in approved PLC centres: the higher education grants scheme; the vocational education committees' scholarship scheme; the third level maintenance grants scheme for trainees; and the maintenance grant scheme for students attending post-leaving certificate courses.

Under the terms of the maintenance grants scheme for post-leaving certificate courses 2005, grants are available to eligible candidates who are entering approved PLC courses for the first time in the 2005-06 academic year. Candidates are ineligible if they already hold a FETAC level 5 qualification, formerly known as a FETAC (NCVA) level 2 qualification, or FETAC level 6 qualification, formerly known as a FETAC (NCVA) level 3 qualification, or a third level qualification at level 6 or higher. However, notwithstanding this condition, candidates who already hold a FETAC level 5 qualification, formerly known as a FETAC (NCVA) level 2 qualification, and are now pursuing a course that offers progression may be deemed eligible for grant aid.

Under the PLC scheme eligible students may continue to receive grant assistance for the normal duration of an approved course subject to the usual terms and conditions of funding. In this regard clause 6.3. provides, *inter alia*, that: “A grant is tenable for the normal duration of the approved PLC course and is renewable annually subject to the satisfactory participation, attendance and the approval of the Vocational Education Committee.” In accordance with clause 6.3.6 of the PLC scheme: “Grants may not be paid in respect of a second period of attendance at the same level for a course approved for the purposes of this scheme, irrespective of whether or not a grant was paid previously. The Vocational Education Committee will have discretion to waive this provision in exceptional circumstances such as serious certified illness.”

Further clarification is being sought in relation to the duration of the course in question in order to establish if the candidate referred to by Deputy is eligible for funding for a second year.

Schools Building Projects.

418. **Mr. Carey** asked the Minister for Education and Science if contact will be made with the authorities at a school (details supplied) in Dublin 11; and if she will make a statement on the matter. [34864/05]

Minister for Education and Science (Ms Hanafin): My Department has not received an application for capital grant aid from the school to which the Deputy refers. The school may apply for such funding under established procedures. It should make contact with the school planning section of my Department if it requires advice or assistance in this regard.

Special Educational Needs.

419. **Ms C. Murphy** asked the Minister for Education and Science if she will allocate the required resources to a school (details supplied) in order that six pupils who it is proposed will form a special class within that school will have access to speech and language therapy, occupational therapy and psychological services; and if she will make a statement on the matter. [34966/05]

Minister for Education and Science (Ms Hanafin): With effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over key functions from my Department in relation to special educational provision. The NCSE was formally established as an independent statutory body on the 1 October 2005 under the Education for Persons with Special Educational Needs Act 2005. The council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities or special needs.

Where a pupil with special educational needs enrolls in a post primary school, it is open to the school to apply to the local special educational needs organiser for additional teaching support and-or special needs assistant support for the pupil. The precise model of provision made available will depend on the assessed needs of the pupils involved. Some students are capable of attending ordinary classes on an integrated basis with additional teacher and-or special needs assistant support.

In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil teacher ratios. Students attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible. The organisation of such provision is a significant task of the National Council for Special Education.

In the case of the school referred to by the Deputy a staffing allocation of two additional teaching posts and 2.5 special needs assistant posts has been granted to cater for the special class in question. The provision of speech and language therapists, occupational therapists and other health related supports is a matter for the Health Service Executive.

420. **Ms C. Murphy** asked the Minister for Education and Science the co-ordination that exists between her Department, the Health Service Executive and the Department of Health and Children regarding the funding and resourcing of speech and language therapy, occupational therapy and psychological services for preschool, primary and secondary students; and if she will make a statement on the matter. [34967/05]

Minister for Education and Science (Ms Hanafin): The provision of therapy services for people with disabilities, including speech and language therapy and occupational therapy, is a matter for the Health Services Executive, HSE, and funding is provided to the HSE for such purposes. There is ongoing liaison and collaboration at national, regional and area levels between the National Educational Psychological Service, NEPS, and the Health Service Executive.

Following publication of a NEPS-HSE working group report entitled *Achieving Through Partnership* in 2002, a joint NEPS-HSE national steering committee was established to oversee the implementation of the report. This committee is promoting collaborative working, including the development of agreed work protocols at regional and area levels. The committee is currently considering the development of joint working projects that should ensure a more co-ordinated approach to the delivery of services at regional level for target groups such as children with autistic spectrum disorders. While NEPS is not currently mandated to provide services to pre-school children, the importance of liaison

[Ms Hanafin.]

between health and education services in respect of pre-school children is recognised. At the regional level NEPS is contributing to the development of HSE referral pathways protocols to assist this process. Diagnostic assessment services for children with moderate, severe or profound intellectual disability are the responsibility of the HSE local services. Where children are identified as having severe emotional or child psychiatric difficulties, these children are treated on an individual basis through HSE services.

School Transport.

421. **Mr. Cregan** asked the Minister for Education and Science when talks will take place between officials from her Department and the union representing bus escorts to discuss terms and conditions of employment (details supplied). [34968/05]

Minister for Education and Science (Ms Hanafin): My Department has prepared a draft job description for escorts specifically engaged by schools to cater for children with special educational needs whose care requirements are such as to necessitate continuous support. My Department will consult with the union representing these escorts as soon as possible.

School Staffing.

422. **Mr. Lowry** asked the Minister for Education and Science the position regarding the employment of a person (details supplied) at a primary school in County Tipperary; when the employment of the person will be clarified; and if she will make a statement on the matter. [34974/05]

Minister for Education and Science (Ms Hanafin): My Department's position is that a fully qualified primary teacher must be appointed to fill a special class post in a primary school. The person referred to by the Deputy is not regarded as qualified and therefore is not eligible for appointment to the post in question. My Depart-

ment has advised the school that they must try to secure the services of a fully qualified primary teacher. However, pending the outcome of these efforts, the school have been advised that the person may be appointed temporarily on a short-term basis.

School Transport.

423. **Mr. Ring** asked the Minister for Education and Science the reason the bus route from Ballindine to Claremorris with a pick-up point at the Ballindine crossroads which has been in existence since 1969 has been moved; the reason the children have to go to a different pick-up point; the further reason it was necessary to change the pick-up point; if the pick-up point can be changed back to the original pick-up point; and if she will make a statement on the matter. [34975/05]

Minister for Education and Science (Ms Hanafin): Bus Éireann, which operates the school transport service on behalf of my Department, has been requested to provide a report on the situation referred to by the Deputy. When the report is received and considered, my Department will advise the Deputy of the position.

Defence Forces Training.

424. **Aengus Ó Snodaigh** asked the Minister for Defence if he will report on the number of foreign soldiers to train in the Curragh each year for the past 10 years including a breakdown in terms of the countries of origin of these groups of soldiers and the type of training received. [34873/05]

Minister for Defence (Mr. O'Dea): The total number of foreign personnel who attended courses at the Defence Forces Training Centre, Curragh Camp, County Kildare, since 1996 is 464. A breakdown in terms of the countries of origin of these groups of personnel and the type of training received is shown in the following charts. United Nations Training School, Ireland, Military College. International Military Observers & Staff Officers Course (IMOSOC), International Military Police Course (IMP) and International Human Rights Course (IHRC).

Year	Foreign Student Nos	Countries of Origin
1996	18	Brunei, Egypt, Italy, Lebanon, Poland, Romania, Sweden, UK, USA & Zambia (IMOSOC)
1997	24	Finland, Germany, Italy, Japan, Lebanon, Malta, Morocco, Philippines, Poland, Sweden, Switzerland, Tanzania, UK, USA & Zambia. (IMOSOC)
1998	24	Chile, France, Germany, Hungary, Italy, Lebanon, Slovakia, Sweden, UK, USA & Zambia. (IMOSOC)
1999	27	Austria, Belgium, Czech Rep, Finland, France, Germany, Hungary, Italy, Jordan, Kenya, Morocco, Netherlands Nigeria, Philippines, Sweden, UK, USA & Zambia. (IMOSOC)
2000	31	Algeria, Belgium, Brunei, Canada, Denmark, Finland, France, Germany, Hungary, Italy, Jordan, Kenya, Netherlands, Nigeria, Norway, Poland, Spain, Sweden, Switzerland, UK, USA & Zambia. (IMOSOC)
2001	25	Algeria, Australia, Canada, Chile, China, Denmark, Finland, Germany, Hungary, Israel, Italy, Mongolia, Tonga, UAE, UK, USA & Zambia. (IMOSOC)

Year	Foreign Student Nos	Countries of Origin
2001	16	Algeria, Belgium, Croatia, Denmark, Italy, Jordan, Kenya, Saudi Arabia, Thailand, Tunisia & UK. (IMP)
2002	18	Algeria, Czech Rep, Finland, Germany, Hungary, Italy, Mexico, Switzerland, Tunisia, UK, USA & Zambia. (IMOSOC)
2002	20	Algeria, Belgium, Chile, Cyprus, Denmark, Egypt, France, Germany, Latvia, Romania, Switzerland, Tunisia, UK & Zambia. (IMP)
2003	15	Bulgaria, China, Germany, Italy, Philippines, Switzerland, Tunisia, UK & USA. (IMOSOC)
2003	20	Austria, Bulgaria, Cyprus, Czech Rep, Egypt, Germany, Hungary, Latvia, Lebanon, Poland, Spain, Tunisia & UK. (IMP)
2004	23	Austria, Brazil, Bulgaria, Cyprus, Czech Rep, Finland, Germany, Ghana, Lebanon, Lithuania, Morocco, Slovenia, Tanzania, Tunisia, USA & Zambia. (IMOSOC)
2004	20	Austria, Bulgaria, Czech Rep, Egypt, Germany, Ghana, Greece, Hungary, Italy, Pakistan, Tanzania, Tunisia and UK. (IMP)
2005	20	Algeria, Austria, Brunei, Bulgaria, Canada, China, Czech Rep, Germany, Morocco, Romania, Spain, Sweden, Switzerland, UAE, USA & Zambia. (IMOSOC)
2005	19	Australia, Austria, Bulgaria, Estonia, Germany, Hungary, Lebanon, Morocco, Norway, Poland, Romania, Switzerland & Tunisia. (IMP)
2005	23	Austria, Croatia, Cyprus, Finland, Ghana, Italy, Netherlands, Norway, Sweden, UK & USA. (IHRC)

Officer Training Wing, Infantry School, Military College.

Junior Command & Staff Course.

Year	Foreign Student Nos	Countries of Origin
2002	1	Bulgaria
2003	3	Bulgaria, Georgia & Slovenia
Sep 2003/ Feb 2004	1	Bulgaria
2004	2	Bulgaria & Slovenia
2004	2	Bulgaria & Slovenia

Command & Staff School, Military College.

Command & Staff Course.

Year	Foreign Student Nos	Countries of Origin
1998/1999	1	USA
1999/2000	1	USA
2000/2001	1	USA
2001/2002	1	USA
2002/2003	1	USA
2003/2004	3	USA, Austria, Bulgaria
2004/2005	2	USA, Bulgaria
2005/2006	2	USA, Cyprus

Cadet School, Military College.

Standard Cadet Course.

Year	Foreign Student Nos	Countries of Origin
Oct 1995 — July 1997	10	Zambia

[Mr. O'Dea.]

Military Engineer School, Combat Support College.

Year	Foreign Student Nos	Countries of Origin
2002	6	Austria, Estonia & Lithuania. (International Mine Awareness & Special Route Clearance Team Course)
2004	4	Austria & Estonia (International Engineer Specialist Search & Clearance Course.)

International Mine Awareness & Special Route Clearance Team Course and International Engineer Specialist Search & Clearance Course

Ordnance School, Combat Service Support College.

Explosive Ordnance Officers Course (EOOC) and Explosive Ordnance Officers Refresher Course (EOORC)

Year	Foreign Student Nos	Countries of Origin
1995	6	Denmark, Germany & Malaysia. (EOORC)
1996	4	Denmark & Germany (EOOC)
1996	4	Denmark (EOORC)
1997	1	Denmark (EOORC)
1998	10	Denmark, USA & Switzerland (EOOC)
1999	7	Sweden, Denmark, USA & Switzerland (EOOC)
1999	2	Denmark (EOORC)
2000	1	Denmark (EOORC)
2000	5	Switzerland, Denmark & Canada (EOOC)
2001	11	Russia, Denmark & Switzerland (EOORC)
2002	5	Sweden & Finland (EOOC)
2002	2	Austria (EOORC)
2003	3	Sweden & Denmark (EOOC)
2003	2	Austria (EOORC)
2004	3	Estonia, Canada & Denmark (EOOC)
2004	6	Denmark, Sweden & Germany (EOORC)
2005	6	Kazakhstan, Austria, Switzerland, Denmark, & USA (EOOC)
2005	2	Denmark (EOORC)

Local Authority Housing.

425. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that Meath County Council has been charging tenants attempting to purchase their rural cottage homes under the tenants purchase scheme; the market value of their homes inclusive of the site despite the site having been provided free to Meath County Council by the tenant at the time of construction; and if will make a statement as to whether this practice is happening in other local authorities. [34794/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The administration of the tenant purchase scheme is a matter for each local authority. The terms of the current scheme provide that, where the site of a dwelling has been provided to a housing authority for a nominal sum, the sale price should be reduced accordingly for the tenant purchaser. I understand that Meath County Council is considering a number of cases

where the regulations governing the scheme may not have been fully applied with a view to taking any necessary remedial actions for the purchasers concerned.

Departmental Correspondence.

426. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason details of the full attendance of a meeting were not provided as promised in a previous reply to a parliamentary question; if the matter will be investigated and the details provided. [34795/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information referred to was sent to the Deputy on 8 November 2005.

Water and Sewerage Schemes.

427. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the situation pertaining to a scheme (details

supplied) in County Galway and if he will give approval for the scheme to proceed. [34830/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ballygar sewerage scheme was sixteenth on the list of sewerage schemes submitted by Galway County Council in response to my Department's request to all local authorities in 2003 to undertake assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of the water services investment programme 2004-06, published in May 2004. Given the ratings afforded to the scheme by the council, it was not possible to include it in the current programme. I envisage that local authorities will be afforded an opportunity in 2006 to undertake fresh assessments of their needs and priorities, which can then be taken into account in subsequent phases of the programme.

Housing Management Companies.

428. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the regulations which exist, or are contemplated, which could control increases in maintenance fees charged by the management companies of private residential estates where it would appear that the levels of increase are determined quite arbitrarily in each case; and if he will make a statement on the matter. [34832/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 659 of 15 November 2005. As indicated in that reply, arrangements for managing and maintaining the communal elements of private apartment complexes are generally addressed by management companies. These are constituted under the Companies Acts and are required to comply with the provisions of company law, which is the responsibility of the Minister for Enterprise, Trade and Employment. Normal practice is that when the sale of all units in an apartment complex is complete, management responsibility is transferred from the developer to a management company controlled by the owners of the individual apartment units; these owners will have an interest in ensuring both the quality and the cost efficiency of management services being provided for their properties.

A Law Reform Commission working group is currently examining a range of legal issues relating to management of multi-unit structures. The Government will consider any recommendations the final report makes including the necessity for new legislation in this area.

Planning Issues.

429. **Mr. Curran** asked the Minister for the Environment, Heritage and Local Government the action he is taking to monitor and control the efforts being made to change Weston Aerodrome to Weston Airport with greater volume of planes and larger aircraft using this facility. [34939/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It is the responsibility for the Irish Aviation Authority to licence airports and aerodromes, having regard primarily to aviation safety. Any consequential land use developments arising from any change in designation of an airport or aerodrome or any increase in activity would be dealt with by the relevant planning authority in accordance with the planning code.

Under section 11(3) of the Planning and Development Act 2000, a planning authority may take whatever measures it considers necessary to consult with, inter alia, transport infrastructure providers when it is reviewing its development plan to ascertain any long-term plans for the provision of infrastructure and services in the area of the authority, and the provider must supply the necessary information to the authority. This provision allows for the long-term land use planning of the authority to reflect proposed developments in transport infrastructure and services.

Nuclear Plants.

430. **Mr. Curran** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to date in 2005 to have the Sellafield nuclear plant closed, in particular if the case under the UN Convention on the Law of the Sea is progressing; and if so, the timeframe for same. [34941/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 108, 124 and 177 and to Question No. 145 of 25 October 2005. The European Court of Justice oral hearing took place on 8 November. In line with normal procedure in such matters, the Advocate General indicated that his opinion on the matter will be made available on 18 January 2006 and the judgment of the court will issue subsequently. Otherwise, the position is unchanged.

Local Authority Housing.

431. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the support his Department can give to the long standing proposal to establish a small refuge for women and children who are suffering from family violence in Dublin 15; if his attention has been drawn to the fact that a suitable site was identified by Fingal County Council for the purposes of such a refuge and the planning agreed

[Ms Burton.]

by Fingal County Council over a protracted period of time, that the Health Service Executive and the northern area of the Health Service Executive has strongly support this proposal; if his attention has further been drawn to the fact that the request to re-design the refuge will cause delays of up to two more years; the estimated saving anticipated from the re-design and reduction in the cost of the refuge; and if he will make a statement on the matter. [34970/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the question refers to assistance from my Department under the voluntary housing capital loan and subsidy scheme

for a proposed project by Sonas Housing Association in Blanchardstown. An application for funding under this scheme has been received from Fingal County Council; clarification on a number of aspects sought from the council is awaited. When this is to hand the application will be further considered by my Department and the council will be notified of the outcome as soon as possible.

My Department's involvement with the voluntary housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the scheme and the certification that particular projects comply with the terms of the scheme are the responsibility of the local authority, in this instance Fingal County Council.