



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 9 February 2006.

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DÁIL ÉIREANN

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Déardaoin, 9 Feabhra 2006.
Thursday, 9 February 2006.
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Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the report A Vision for Change on the future of mental health services in Ireland and its proposal to close and sell all remaining psychiatric hospitals and adjacent land attached to them; the proposal to dispose of St. Davnet's Hospital, Monaghan, and a wide variety of services in the county; the proposed replacement of current admission units by institutional-type 50-bed admission units to be restricted to one for each 300,000 of the population, which will have major consequences in rural Ireland for psychiatric admission units, its limitation of psychiatric day hospitals to one per 300,000 of the population, with all the difficulties it will create for psychiatric day patients in rural Ireland who generally have no form of personal or public transport available to them; to discuss the policy of selling State assets and pursuing a rental policy; and the report's implications for the future of mental health services in Cavan and Monaghan.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 on the following specific and important matter of public interest, namely, the urgent need to protect Dublin Bay by rejecting any proposals to infill 52 acres of the bay; to deal with traffic congestion, which is a great constraint on Dublin's growth as a port city; to divert port traffic from Dublin to satellite ports in the region and to ensure the prevention of further flooding in the Clontarf and Fairview areas.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of major local and national importance, namely,

why Mayo patients must still wait for up to eight years for an urgent urology hospital appointment in Galway, and why an 80 year old man, who clinically has cancer of the prostate, has already been waiting for 16 months to see the consultant urologist in Galway for urgent treatment; why has the situation to continue when a solution is a urology unit in Mayo General Hospital and why should it be tolerated that people without health insurance, waiting for urgent urology treatment, will more than likely have a shorter lifespan due to the negligence of the Government to deal with the health services, which is a disgrace.

Mr. Sargent: I request the adjournment of the Dáil under Standing Order 31 to address an urgent matter, namely, the wasteful use of public assets by the Government, for example, the lack of any cost-benefit analysis being required by the Government before allowing the Dublin Airport Authority to proceed with sacrificing public land worth €840 million for a new runway which, if built, will add further to the imbalance in regional development, choking Dublin further and starving the rest of Ireland.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 on an important and specific matter of public interest requiring urgent consideration, namely, the announcement that the closest nuclear power station to Dublin, the Wylfa nuclear reactor, may be kept open for a further five years beyond its original design life.

An Leas-Cheann Comhairle: I call Deputy Boyle.

Mr. Cuffe: This is a matter of huge concern. Deputy Sargent and I visited the plant during the summer.

An Leas-Cheann Comhairle: The matter cannot be debated now.

(Interruptions).

An Leas-Cheann Comhairle: There cannot be a discussion. The Deputy has the right to read the matter.

Mr. Cuffe: This is an important issue. It is not situated in middle England; it is located in Hollyhead, which is just 60 miles away. There should be a debate on the matter.

An Leas-Cheann Comhairle: We cannot break the rules. I call Deputy Boyle.

Mr. Boyle: I request the adjournment of the Dáil under Standing Order 31 to discuss a matter of public importance, namely, that the Minister for Enterprise, Trade and Employment make a statement in the House on the decision of the CIMS company to relocate its business from Cork to the UK with a loss of 84 jobs and the impli-

[Mr. Boyle.]

cations the decision may have for other call centre companies in the region.

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

Order of Business.

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): It is proposed to take No. 1, Air Navigation (Eurocontrol) Bill 2005 [*Seanad*] — Second Stage, to adjourn at 1 p.m. today, if not previously concluded; No. 2, University College Galway (Amendment) Bill 2005 [*Seanad*] — Second and Subsequent Stages; and No. a11, University College Galway (Amendment) Bill 2005 [*Seanad*] — Instruction to Committee, to be taken in the event of the proposal relating to all Stages of No. 2 being agreed. It is proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply to No. 2: (i) the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after two hours; the opening speech 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 speech 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 speech in reply which shall not exceed five minutes. No. a11 shall be taken on the conclusion of the Second Stage and shall be decided without debate and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. today by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Education and Science.

An Leas-Cheann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. 2, University College Galway (Amendment) Bill 2005 agreed to?

Mr. Kenny: What is presented on the Order of Business is not what was agreed, which was to take Second Stage of the University College Galway (Amendment) Bill 2005 before it would be referred to committee. The Order Paper now contains section 2, which is to insert in page 3 the fact that sections 1, 2, 4, 5, 6, 8 and 10 of the Teaching Council Act 2001 are to be included as part of the debate on the University College Galway (Amendment) Bill. Will the Minister for Communications, Marine and Natural Resources explain what this is about, and why it is not possible that we should have a discussion in the House about the Teaching Council Act, which

relates to the professional training of teachers, their development and the promotion of facilities for them? I do not consider it appropriate for this to be lumped in with an amendment to the 1929 Act dealing with the issue of the Irish language which was compulsory for professorships in NUIG. That compulsion has now been removed because of the proposal by the university to have a strategic development plan for Irish, of which all future development plans would have to take cognisance.

I object to a fundamental matter like the Teaching Council Act 2001 being inserted by stealth into the University College Galway (Amendment) Bill. Ample time should be provided for a discussion on the issue of education, including the Teaching Council, because the perception in this country is that all is lovey-dovey in the Department of Education and Science with our esteemed Minister when, in fact, the situation is quite the opposite in a number of areas. This House should have an opportunity to discuss the amendments to the Teaching Council Act as a separate entity because the quality of our teachers is fundamental to the future of the country, and we should discuss the quality of their training, the resources that are made available to them and the impact of that on the system of education. I would like to know why this is being inserted now.

Mr. Rabbitte: Everyone in the House, to my knowledge — certainly everyone on these benches — is more than happy to facilitate the passage of the University College Galway (Amendment) Bill, for reasons of which the Minister is aware. Like Deputy Kenny, this is the first we have heard about the insertion of a matter that is completely different and that seems to have come to light as a result of the inability to appoint members to the Teaching Council because the legislative basis was not there to do it. Advantage has been taken of a distinctly different matter to provide that legislative basis.

We need to know why the Government proposes to handle it this way because we have had too much rushed legislation in the lifetime of the Government. Something as basic as this in terms of the Teaching Council Act has been omitted. We have experience of this practice, in particular from the Minister for Justice, Equality and Law Reform, of sheer incompetence and rushed legislation with inadequate time given to the House to debate it, and now we have something included in proposed legislation, the title of which is before the House, that has absolutely nothing to do with the Teaching Council and makes no reference to it.

Mr. Sargent: One of the reasons why the taking of the University College Galway (Amendment) Bill was facilitated in the short time envisaged was that it dealt with the university itself and the amendment to the 1929 Act. Is the Government

seriously taking for granted that this agreement can now be diluted and cast aside on the basis of introducing the Teaching Council Act 2001? This matter should be the subject of a meeting with the Whips before it proceeds. Deputy Boyle certainly was not informed about the Teaching Council aspect of this legislation and it appears that neither were the other Whips.

If the House is to proceed in an orderly fashion we should know in advance what legislation is coming forward and its context. It is also unfair to the people who have been approaching all of the spokespersons in the House on the legislation for them to discover very late in the day that provision had not been made for an aspect to the legislation. It is unfair and undemocratic and it indicates that the House is not being considered by the Government as part of the process but is being taken for granted again, to which I object.

Aengus Ó Snodaigh: Cosúil leis na Teachtaí eile, tá mé ag cur i gcoinne an guillotine ar an mBille seo, toisc nach bhfuil go leor ama á thabhairt, fiú don chuid a raibh muid ag déileáil leis mar gheall ar Ollscoil na Gaillimhe. Tá sé scannalach nach mbeidh ach 30 nóiméad againn chun déileáil le breis is 39 leasú ar an cheist seo atá os comhair na Dála. Tá sé scannalach a lú ama is atá ann chun déileáil leis an cheist mhór seo ó thaobh athruithe suntasacha i stádas na Gaeilge in Ollscoil na Gaillimhe de.

Chomh maith leis sin, tá an tAire tar éis an chuid nua seo a chur isteach sa Bhille. Tá buíochas á ghabháil le hobair rúnaí an Aire, mar ghlaoigh sé ar ár n-oifig, agus labhair sé lenár n-urlabhraí oideachais. Ní gá go n-aontaímid gur chóir go mbeadh sé seo anseo. Ba chóir go mbeadh Bille beag difriúil os comhair na Dála ag déileáil leis an cheist seo maidir le hAcht choiste na múinteoireachta. Tá sé ag sleamhnú isteach anseo, agus ní bheidh am againn chun déileáil leis i gceart, fiú san dá uair atá againn. Ba chóir dúinn an guillotine a ardú agus déileáil leis seo i gcaitheamh cúpla lá. Tá mé ag cur i gcoinne an mholta atá os ár gcomhair.

Mr. N. Dempsey: I acknowledge what Deputy Rabbitte and Deputy Kenny said in regard to the University College Galway (Amendment) Bill. There was a level of agreement and much co-operation with the Whips on the taking of this Bill. Another issue arose in regard to putting the Teaching Council on a statutory footing which I understand was discussed with the Whips. The Minister for Education and Science briefed the Whips on that——

Mr. Stagg: It was not discussed with the Whips.

Mr. Kehoe: No, it was not.

Mr. N. Dempsey: ——or the spokespersons rather. The Deputies should let me finish. The spokespersons were briefed to try and get their

co-operation in regard to this matter. I agree with the Deputies who have spoken that this is not an ideal way to introduce something of this nature. If Members across the House are unhappy with this particular aspect of the proposal I am willing to withdraw it and just have Second Stage of the University College Galway (Amendment) Bill taken today to allow the Whips to discuss the other matter and to make suitable arrangements for it.

In reference to what Deputy Rabbitte said in regard to a debate on education, the Minister informed me that she would be very happy to take a debate on education at any stage. In deference to what has been said from across the House I propose that the University College Galway (Amendment) Bill, Second Stage, would adjourn at 3.30 p.m.

An Leas-Cheann Comhairle: Is the proposal withdrawn?

Mr. N. Dempsey: Yes.

An Leas-Cheann Comhairle: The proposal re No. 2 is withdrawn.

Mr. Kenny: We agree with that and thank the Minister for making that arrangement. It means only Second Stage of the University College Galway (Amendment) Bill 2005 [Seanad] will be taken today.

I want to ask two questions on the Order of Business.

Mr. Rabbitte: I beg Deputy Kenny's pardon. I thank the Minister for agreeing to that. Will all Stages be taken? Second Stage is to finish at 3.30 p.m.

Mr. N. Dempsey: No, Second Stage only.

Mr. Rabbitte: When will Committee and Remaining Stages be taken?

Mr. N. Dempsey: It can be referred to Committee, if the Deputy wishes. We will see how it goes today and we can leave it to the whips to make the arrangement then.

Mr. Rabbitte: As I understand it, colleagues are content to deal with it, minus that section, on the floor of the House.

Mr. N. Dempsey: We need to discuss a mechanism for the second matter.

Mr. Howlin: It is a short Bill.

Mr. N. Dempsey: If the Deputy does not mind, we will leave it go to Second Stage today.

Mr. Kenny: I wish to raise two issues on the Order of Business. The Minister is obviously aware of the Sea-Fisheries and Maritime Juris-

[Mr. Kenny.]

diction Bill 2005 and the controversy arising therefrom which has been highlighted by Deputy Perry and a number of other Deputies, including members of the Fianna Fáil Party, for the past number of weeks. The Minister wrote to the Chairman of the Joint Committee on Communications, Marine and Natural Resources. In his letter he stated a small group of fishermen have deliberately flouted the law and made considerable sums of money. This is the Legislature. We cannot stand by law breakers but the rush to legislation, and the rows therein, will only deal with issues for the future. What action is being taken in respect of his public comment that he is aware a small number deliberately flouted the law and made considerable sums of money or is there an attempt here to make the legislation retrospective in some way and that the existing legislation is incapable of dealing with the scale of allegations of charges against some persons which, I understand, involve moneys as high as three figure sums in the millions?

May I raise this matter with the Minister in respect of forthcoming legislation? Just a year ago, the Supreme Court ruled that taking charges off pensioners staying in public long-stay beds was an unjust attack by the State. It ruled that health boards had no right to charge for inpatient services. On 11 May last year the Tánaiste and Minister for Health and Children, Deputy Harney, announced that all those who were illegally charged and are alive, and the estates of all of those who were charged and died in the six years prior to 9 December 2004, would have those charges repaid in full.

I was informed yesterday of a claim made by a family whose late mother had been charged fees in a public nursing home and that the Tánaiste and Minister for Health and Children, the HSE and the Attorney General have lodged a full defence. In that defence the Tánaiste and Minister for Health and Children and her co-defendants deny any liability. They deny the illegality of charges and deny that any moneys were taken. They deny the entitlements to restitution. The statements made by the Tánaiste and Minister for Health and Children and her co-defendants are utterly at odds with the Supreme Court ruling and the Government's stated policy of repaying illegally taken fees. Applying to himself and his Governments what the Taoiseach correctly stated, the Tánaiste and Minister for Health and Children and the Government cannot have it both ways. It cannot make one announcement in public and another to the court. I want to know from the Minister, Deputy Noel Dempsey, and from the Tánaiste and Minister for Health and Children why this dishonest defence has been put up. I want her to come into the House next week to explain — if the Minister, Deputy Noel Dempsey, cannot do so for her — why this position has been adopted by Government when the Supreme Court was crystal clear in its verdict and

crystal clear on what the Legislature had to do, and when it is equally crystal clear that the Government has denied all liability, denied any illegality, denied that moneys were taken and denied entitlement to restitution.

An Leas-Cheann Comhairle: The Deputy has raised two matters. Does Deputy Rabbitte wish to comment on the fisheries matter?

Mr. Rabbitte: I support Deputy Kenny on the remarks he has made.

Mr. N. Dempsey: Made is right.

Mr. B. O'Keeffe: Deputy Rabbitte fell asleep on the back foot.

Mr. Rabbitte: I was waiting to hear the Minister's reply and then I was going to ask a supplementary.

An Leas-Cheann Comhairle: The Chair was hoping it would be the other way round. I call Deputy Ó Caoláin.

Caoimhghín Ó Caoláin: Would the Minister, who is in the hot-seat today and who we welcome in that role, recognise that there is great consternation caused by this Bill currently before the Joint Committee on Communications, Marine and Natural Resources and take the honourable course of withdrawing the Bill in its entirety?

Mr. Broughan: On the same subject, at long last there is the opportunity for the Minister, Deputy Noel Dempsey, to directly take responsibility. The unfortunate Minister for the marine, of course, has apparently disappeared. A number of Ministers are currently under considerable pressure. The Minister, in his famous letter on administrative penalties, seems to accept that they are constitutional. This was a key issue in the Bill. He states they are not suitable but he seems to infer that they are constitutional. That is the advice which he gave me last week in answer to a question on the communication regulations directives from Europe, where he stated he had sought the advice of the Attorney General, who had deemed them to be legal. That is the outstanding point. Nobody condones gross illegality and thievery from the Irish people in fishing by any unscrupulous people and it is fair to say the vast majority of decent fisherman and their families — the 40,000 people in maritime communities — are anxious that there would be a transparent regime, but the Minister and his predecessor, and particularly the former Minister for the Marine and Natural Resources, Deputy Fahey, never made the slightest attempt to introduce a transparent regime or to deal with miscreants who were evading the fishery laws of the State. The Minister, Deputy Noel Dempsey, has a grave responsibility to try to address this matter. I support the call being made that unless he can

deal with the issue of administrative penalties, he should come back to us with a comprehensive Bill, which would also give us some opportunity of dealing with fishing illegality by European fleets in our waters.

Mr. N. Dempsey: The Health (Repayment Scheme) Bill will be with the House this session and the matter raised by Deputy Kenny will be dealt with in that.

I am looking forward to going to the committee after the Order of Business to deal with and respond to the various matters raised by Deputies on the Sea-Fisheries and Maritime Jurisdiction Bill 2005, but it is a bit rich to be criticising me for not tackling the organised criminality that is going on in the sea fishing industries when the Members who spoke have consistently, over the past four or five months, tried to thwart the introduction of legislation that will deal with it.

Mr. Stagg: Most of us are enthusiastic about it as well.

Mr. N. Dempsey: These same people——

Mr. Stagg: Members sitting behind the Minister are enthusiastic about it.

Mr. N. Dempsey: ——will be in this House in two, three or four years' time criticising the Government for the levels of fines, if the EU pursues us for not having proper sea fisheries control. France has already been fined €20 million by the EU for lack of enforcement and control of sea fisheries — €20 million straight off and €57 million for ongoing offences every six months. I will not expose the taxpayer of this country to that kind of criminality and to the potential of those kinds of fines. I need this legislation. When I meet the Commissioner next Monday week, I need to be able to assure the Commission that tough but fair legislation is in place and will be applied fairly.

Mr. McCormack: Will it be the same legislation as in every other European country?

Mr. N. Dempsey: In the national interest, I ask Opposition Members to support this legislation and get it through the House as quickly as possible.

Mr. McCormack: The Minister will make criminals out of all the fishermen.

Mr. J. O'Keeffe: Is it possible to pass fair legislation?

An Leas-Cheann Comhairle: I call Deputy Perry to speak briefly. There cannot be a full discussion on this matter now.

Mr. Perry: Is it not a fact that the Commission will fine the Minister's Department for the non-

implementation of existing legislation? There is a smear campaign against the whole fishing industry, 6,500 fishermen, even in *The Irish Times* today. What has the Department done about this under the current legislation?

The Minister indicated that this country will be fined millions of euro in the Brown case. That is not a fact. The Minister indicated that the unfounded allegation that failure to enact the present legislation in its present form would leave the taxpayers open to multi-million euro sanctions. The truth is that any sanctions contemplated concern the Government's failure to implement current legislation.

Who has political responsibility? Where is the Minister of State with responsibility for the marine? Every Member received a brief today on this Bill. This Bill is ill-conceived as demonstrated by the fact that the Government has tabled 120 amendments to it.

This Bill has brought the whole fishing industry down to a low level by way of leaks from the Minister's Department, many unfounded allegations and classifying 6,500 fishermen as dishonest. That is an outrageous allegation.

Mr. Broughan: On a point of order, will the Minister state the position on the delegated functions order which he made entrusting functions to Deputy Gallagher? The Minister of State is in the House. He should be capable of taking this Bill today, as it is his function to do. Is he the Minister of State with responsibility for the marine? Will the proceedings at the committee on Communications, Marine and Natural Resources be legal?

An Leas-Cheann Comhairle: That is not a point of order.

Mr. Broughan: It is a point of order. This House made a resolution transferring the functions of responsibility for marine and fisheries to Deputy Gallagher. Is he still a Minister of State? What is his function in this Government? He was supposed to be a sort of half-Minister at the Cabinet. Why is he not taking this Bill today? It is his responsibility.

An Leas-Cheann Comhairle: That is not a point of order. I call Deputy Rabbitte.

Mr. Rabbitte: I will wait for the Minister to reply.

Mr. J. O'Keeffe: Why is the Minister trying to brand all fishermen criminals?

An Leas-Cheann Comhairle: I would prefer that Deputy Rabbitte ask his question and the Minister can reply to all together.

Mr. Rabbitte: I wish to raise a different matter. If the Minister wishes he may reply on this issue.

Mr. N. Dempsey: If we are to have a debate I would prefer to have it in committee.

Mr. Kehoe: The Minister is afraid to have the debate on the floor of the House.

Mr. N. Dempsey: I understand that the committee will hold the debate this morning and for three days next week. I will facilitate that debate, 24 hours a day, seven days a week until I get the Bill through.

Mr. McCormack: The Minister of State, Deputy Fahey can take it.

Mr. Durkan: Has the Minister of State been reeled in?

Mr. J. O'Keefe: That is a bulldozer job.

Mr. N. Dempsey: Deputy Perry mentioned that there are 120 Government amendments to the Bill. They come from listening to people who are genuinely concerned about the sea fisheries industry, and listening to our backbenchers.

Mr. McCormack: Not on that side of the House.

Mr. N. Dempsey: They suggested that we have an independent sea-fisheries protection authority.

Mr. Perry: The Minister should talk to his backbenchers today. They will tell him how happy they are with the Bill. Where is the Minister of State with responsibility for the marine?

Mr. Cuffe: Will the Minister of State resign?

Mr. N. Dempsey: The Deputy cannot have it both ways. He cannot speak out of both sides of his mouth at one time on this matter.

Mr. Perry: The Minister has it every way. He appointed a Minister of State and delegated responsibility.

Mr. Allen: Deputy Perry should give the Minister hell.

Mr. N. Dempsey: As for the allegation that I have denigrated and categorised all fishermen as dishonest—

Mr. McCormack: That is what the Bill does.

Mr. N. Dempsey: In my public statements I have made it quite clear that there is a small group of fishermen who are engaged in systematic criminal activity.

Mr. Perry: What is the Minister doing about that?

Mr. Allen: Go for them, Deputy Perry.

Mr. J. O'Keefe: Why crucify all the fishermen?

Mr. N. Dempsey: That is why this legislation is before the House.

Mr. Perry: If there is criminal activity going on, as Deputy Kenny said, what is the Minister or the Minister of State doing about it?

Mr. N. Dempsey: I cannot understand how the so-called party of law and order does not support the legislation.

Mr. J. O'Keefe: It is a travesty.

Mr. Perry: What is the Minister's Department doing about the people carrying out illegal activity? He is castigating the whole industry.

An Leas-Cheann Comhairle: The Deputy is out of order. I call Deputy Rabbitte on a different matter.

Mr. Perry: What is the Minister doing about it? Nothing.

Mr. N. Dempsey: I will tell the Deputy afterwards, if he comes to the committee.

Mr. J. O'Keefe: That is black propaganda.

An Leas-Cheann Comhairle: We will move on. I call Deputy Rabbitte.

Mr. Broughan: The Minister did not clarify the position of the Minister of State. Is he still a Minister of State?

An Leas-Cheann Comhairle: I have allowed generous latitude on that question. We will proceed to hear Deputy Rabbitte.

Mr. J. O'Keefe: Is the Minister willing to listen?

Mr. N. Dempsey: I am surprised at Deputy O'Keefe who is a solicitor.

Mr. Broughan: Will the Minister confirm whether he has a Minister of State at his Department?

An Leas-Cheann Comhairle: The Deputy is being disorderly and should resume his seat. I call Deputy Rabbitte.

Mr. Broughan: This House passed a resolution to appoint a Minister of State with responsibility for the marine. The Minister has now assumed those functions but we have heard no announcement from the Taoiseach or the Minister on the function of the Minister of State. The Minister has torn apart the Department of Communications, Marine and Natural Resources but he will not answer even this basic question.

Mr. Allen: The Minister is bluffing.

Mr. N. Dempsey: If the Deputy knew his law he would know exactly what the term “designated functions” means.

Mr. Perry: I have one more question.

An Leas-Cheann Comhairle: I cannot allow any more questions on this subject. I have been very generous in giving it time. I call Deputy Rabbitte.

Mr. N. Dempsey: I will talk to Deputy Perry at the committee.

Mr. Perry: What cases could not be prosecuted in the past two or three years under existing legislation? Will the Minister please answer that question?

An Leas-Cheann Comhairle: The Deputy is wasting the time of the House. He is out of order.

Mr. Durkan: Under existing law, what has the Minister been doing for the past two or three years?

Mr. Perry: What cases could not be prosecuted?

Mr. N. Dempsey: There was a case in Donegal three weeks ago.

Mr. Perry: The Minister should state the case.

Mr. N. Dempsey: I will not state the case. Unlike the Deputy, I will not use or abuse the privilege of the House.

Mr. Perry: Is there a book of evidence in the case? The Minister is making an allegation.

An Leas-Cheann Comhairle: The Deputy knows all these matters can be attended to on Committee Stage. He is out of order.

Mr. Perry: There has been no case in the past two years that could not be prosecuted.

Mr. Allen: Will the Minister answer Deputy Perry's question?

Mr. Rabbitte: Last June, the Tánaiste and Minister for Health and Children said she intended to bring legislation before the Oireachtas in autumn which would provide a clear legal framework for a repayment scheme for those who were unlawfully charged in nursing homes. She added that this would ensure that repayments were made as promptly as possible.

I have not heard her reply to the extraordinary development whereby the family of a dead patient, in prosecuting an action, has been met with

a defence by the State and the Tánaiste, Deputy Harney, that the State has no liability and does not accept any responsibility for overcharging or repayments. Will the Minister respond to that comment, and say when the legislation promised for last autumn will come before the House, and when the scheme of repayments to people overcharged in nursing homes will commence?

Mr. McCormack: It will commence in the run-up to the election.

Mr. Rabbitte: I mean no disrespect to the Minister present. I thought the Tánaiste would be here this morning. The trolley watch in Tallaght Hospital reached an all-time crisis yesterday when 58 patients were accommodated on trolleys.

When will the House receive the Barr report? It is six years since the killing of John Carthy.

On 15 June 2005 Deputy Hogan asked the Minister for Arts, Sport and Tourism if he was satisfied that no person who was disqualified from holding a directorship of a private company was a member of a State board under the auspices of his Department. The Minister replied that he was not aware of any appointees to State boards under the auspices of his Department disqualified from holding a directorship of a private company. The Minister replied in one sentence, saying: “I am not aware of any appointees to State boards under the auspices of my Department currently disqualified from holding a directorship of a private company”. I tabled a further question on 28 June, drawing his attention to a person disqualified by the High Court. I wrote to him again, on 1 July 2005, drawing his attention to the appointment to Bord na gCon of a person disqualified from holding a directorship in a private company and to the fact that he had taken representations from six different organisations asking him not to make the said appointment because of the disqualification. However, he proceeded to do so. Will the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, require the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, to set the record straight by saying why he made the decision and whether that person will continue to serve as a director of Bord na gCon?

Mr. N. Dempsey: The legislation about which the Deputy asked is to be taken this session. The scheme will follow from that. I understand that €400 million has been provided for it in this year's Estimates. I will contact the Deputy regarding the Barr report, since I do not know when it is to be published. I do not know what legislation the Deputy was inquiring about regarding the last matter, but I understand legal advice was taken at the time.

Mr. Durkan: Yesterday, arising from concerns about child pornography on the Internet, I asked

[Mr. Durkan.]

the Taoiseach his proposals for the possible early introduction of the electronic communications (miscellaneous provisions) Bill. The Minister assisted the Taoiseach in his answer and seemed to state the Child Trafficking and Pornography Act 1998 was the relevant legislation. However, it is considered in mainland Europe and the UK that the Internet watchdog provides the appropriate method to police such activity. Since the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is here this morning, perhaps he might clarify that.

The second issue concerns the worries expressed by many regarding the fuel storage capacity and facilities of this country for both gas and oil. The national oil reserves agency Bill is shortly to come before the House. Perhaps the Minister might state when that is likely to happen and whether he will take account of that shortfall in the storage facilities.

Mr. N. Dempsey: The Taoiseach answered the first question on telecommunications yesterday. We have very extensive legislation on that area. Consideration is being given to strengthening that, perhaps through an agreement with the industry regarding 3G telephones. Discussions are ongoing, and it may or may not be included in the Bill. The national oil reserves agency Bill is to be taken this session. All relevant matters will be taken into account.

Mr. Sargent: Before I ask regarding promised legislation, perhaps I might inquire regarding the report in today's newspapers about the Government Chief Whip, Deputy Kitt, who, although not present at a rezoning vote in 1992, received £2,000 and failed to declare the payment. Does the Minister of State intend making a personal statement to the House on the matter, given the questions that arise from that report?

An Leas-Cheann Comhairle: That does not arise on the Order of Business.

Mr. Sargent: Has the Minister for Transport, Deputy Cullen, told his colleagues in Government of promised legislation on the curtailment of the use of mobile telephones? Why did I not hear that last week? We heard about penalty points but not about legislation on mobile telephones, instead learning of it through the radio this morning. To clarify matters for the House, is that legislation promised, being thought about, pending or part of some other legislation already promised?

I wish to ask regarding legislation on the interests of children, something that Deputy Durkan raised, namely, the register of persons who are considered unsafe to work with children Bill. I have repeatedly asked about it, and it had been promised for 2003. The Taoiseach told us

the Department of Health and Children was discussing the establishment of a pre-employment consultancy service. A long time has passed since 2003, and rather than have children put in continuing danger, can the Government attend to it and not let matters slide further?

Mr. N. Dempsey: It is not possible to say when that register will be established, but the Departments of Education and Science and Justice, Equality and Law Reform, which are responsible for the Bill, are still working on and discussing it. Discussions also took place with the Northern Ireland authorities.

Mobile telephones will be dealt with under a transport Bill, which I believe will come before the House shortly.

Ms O. Mitchell: He is a man with much to deal with.

Mr. N. Dempsey: I hope that it receives more support from the other side of the House than when its introduction was attempted three years ago.

Caoimhghín Ó Caoláin: With three of the country's four sexual assault treatment units, at the Rotunda, Waterford Regional Hospital, and Letterkenny General Hospital, at risk of closure, can the Minister for Communications, Marine and Natural Resources advise what mechanism the former Minister for Health and Children, Deputy Martin, employed to ensure funding for the Cork centre? Is legislation required to provide for State funding for each of the other three that I have named and the inclusion of a new network of sexual assault treatment units at other centres in Galway, the midlands and the north-east region?

Mr. N. Dempsey: No legislation is promised.

Mr. Kenny: I thank the Minister for commenting on the preparation of the scheme for repayments to which he referred when responding to Deputy Rabbitte. I am not clear, however, why the Government, the Minister, the Attorney General and the HSE have mounted a full defence against a claim lodged by a family perfectly legitimately. That is a dishonest defence. If €400 million is left aside for repayment this year, why has that course of action been taken when it is absolutely in keeping with the Supreme Court decision?

An Leas-Cheann Comhairle: The Deputy should keep to the Order of Business. The matter has been dealt with.

Mr. Kenny: Perhaps the Minister might explain why they have taken this action and mounted that dishonest defence.

Regarding the safety review of the Corrib gas field, the report of which he is now considering, when are we likely to see it published? Is it likely to recommend extra safety features or a change of direction to bringing the gas ashore? Perhaps the Minister might comment on that.

An Leas-Cheann Comhairle: We cannot turn the Order of Business into Question Time.

Mr. Kenny: I appreciate that, but the Minister has the report.

Mr. N. Dempsey: I have the report.

Ms McManus: Might we have an explanation for the delay on the nursing home repayments scheme? The information was with the Minister a year ago that the charges were illegal, and it seems extraordinary that it has taken so long. Can the Minister report to us why the delay has been so lengthy?

Since the Minister is so concerned about the taxpayer losing up to €56 million in fines, has the Minister yet discovered where it went in HSE spending? The Minister for Finance, Deputy Cowen, initially told in the House the money had been transferred from capital to revenue. The next day the Minister for Health and Children, Deputy Harney, came in and said it was not so but that she did not know where it was. That was a few weeks ago. Has the Minister found the money yet, and does the Minister for Finance intend introducing a Supplementary Estimate? What has happened to that taxpayers' money?

Mr. N. Dempsey: No Supplementary Estimate is promised.

Ms McManus: I am sorry, but the Minister for Health and Children, Deputy Harney, stated there would be one if necessary. Weeks have passed. Do we know yet whether a Supplementary Estimate will be introduced?

Mr. N. Dempsey: There is none promised.

Dr. Cowley: The HSE western area is the size of Northern Ireland with a population of 350,000 people. It has eight consultant urologists. There are boxes of applications from GPs dating back to 1998, eight years, for patients to be seen by a consultant urologist in Galway. One man who has been waiting for one and a half years has now developed cancer.

An Leas-Cheann Comhairle: The Deputy should ask a question on promised legislation.

Dr. Cowley: Is legislation envisaged to ensure people are treated equally so the people of County Mayo can have the same chance of a normal lifespan as the people living in Dublin? I ask

the Minister, Deputy Noel Dempsey, to answer that question on behalf of the Government.

An Leas-Cheann Comhairle: It would be more appropriate for the Deputy to table a question.

Dr. Cowley: Is the Government interested in keeping people alive or do those of us living in the west matter? Will the Government set up a consultant urology unit in Mayo General Hospital in Castlebar?

Mr. N. Dempsey: There is no legislation specifically promised for the people of County Mayo but the Constitution takes care of that.

Dr. Cowley: I wish it was enacted. The Constitution is not taking care of it.

Mr. Gilmore: The housing (miscellaneous provisions) Bill is promised for publication in 2006. The heads of the Bill have not yet been approved by the Government. Will the Minister arrange with the Minister for the Environment, Heritage and Local Government or the Minister of State with responsibility for housing, to give a briefing on that Bill or on the miscellaneous provisions which are intended, to the Oireachtas committee and to perhaps discuss with the committee what miscellaneous provisions in the administration of our housing system might be amended? This is an area where the wider participation and the experience of Members of the House might be brought to bear in the preparation of a Bill which would deal with issues with which Members as public representatives deal on a daily basis.

Mr. N. Dempsey: I will ask the officials to convey that request to the Minister concerned because as the Deputy rightly stated, the provisions deal with tenant purchase schemes, the sale of flats, the strengthening of the powers of local authorities to deal with anti-social behaviour, and so on. This is certainly an area where Members of this House and members of local authorities would have expertise.

Mr. Stanton: I am aware of families who are still awaiting the payment of third-level education grants, even at this stage of the academic year. What is the current status of the promised third-level student support Bill? Are the heads of the Bill published and will it be in the House this session or next session? Will it be enacted in time for next year?

Mr. N. Dempsey: I understand the heads of the Bill are being drafted and it is expected it will be published during the course of this year.

Mr. O'Shea: Will the Minister say when it is intended to enact sections 55 to 62, Part VIII of

[Mr. O'Shea.]

the Local Government Act 2001? These sections deal with the proposal from a local authority for boundary extension.

Mr. N. Dempsey: I will ask an official to communicate with the Deputy on that matter as I do not have that information.

An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Uimh. 2) 2006: An Chéad Chéim.

Twenty-eighth Amendment of the Constitution (No. 2) Bill 2006: First Stage.

Mr. Boyle: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Mr. Boyle: Tairgim: "Go dtófar an Bille in am Comhaltaí Príobháideacha."

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Air Navigation (Eurocontrol) Bill 2005 [Seanad]: Second Stage.

Ms Shortall: On a point of order, why is this Minister of State taking the Bill in the House as this is a Department of Transport Bill?

Mr. Gallagher: It would not be unusual for me to take a Bill when the Minister for Transport is unavailable.

Ms O. Mitchell: The Minister of State who was sacked took the Bill in the Seanad.

Mr. Gallagher: I presume the Deputies are anxious to proceed with the Bill.

Ms Shortall: Might this be an indication that the Minister of State has been moved to the Department of Transport?

Mr. Gallagher: I would not presume anything.

An Leas-Cheann Comhairle: I invite the Minister of State to proceed.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move: "That the Bill be now read a Second Time."

The main purpose of this Bill is to give effect to the international convention relating to co-operation for the safety of air navigation signed at Brussels on 13 December 1960, as consolidated by the protocol signed at Brussels on 27 June 1997.

Eurocontrol, the European organisation for the safety of air navigation, was established by an international convention in 1960. The provisions of the 1960 convention were given effect in the Air Navigation (Eurocontrol) Act 1963. The formal accession of Ireland to the Eurocontrol organisation came into force on 1 January 1965. Membership of the organisation has continued to grow and has now reached 35 states, including all EU member states except Estonia, Latvia and Lithuania. The accession of the European Community to Eurocontrol took place on 8 October 2002.

Eurocontrol has, as its primary objective, the development of a seamless, pan-European air traffic management system. The achievement of this objective is a key element to the present and future challenges facing the aviation community, which are to cope with the forecast growth in air traffic, while maintaining a high level of safety, reducing costs and respecting the environment.

Eurocontrol develops, co-ordinates and plans for implementation of short, medium and long-term pan-European air traffic management strategies and their associated action plans on a collaborative basis. It is a collective effort involving national authorities, air navigation service providers, civil and military airspace users, airports, industry, professional organisations and relevant European institutions.

Since the 1960 convention a number of protocols have been adopted. Two of these dealt with tax provisions while the third protocol of 12 February 1981 was on a multilateral agreement on route charges. This provided for a common policy and joint system for the establishment and collection by Eurocontrol, on behalf of the contracting parties, of *en route* air traffic control charges in European airspace covered by the agreement.

The provisions of the convention and its subsequent protocols were given effect in Irish legislation by the Air Navigation (Eurocontrol) Acts 1963 to 1983. These Acts were subsequently repe-

aled and the provisions of the convention and subsequent protocols given effect in the Irish Aviation Authority Act 1993. The Irish Aviation Authority is required under the latter Act to implement specific provisions of the Eurocontrol convention.

A revised Eurocontrol convention was concluded following several years in negotiation. The changes represent a major revision of the convention and are designed to update the convention to take into account progress made in the area of air navigation services. The final Act to the convention and the protocols amending and consolidating the text of the Eurocontrol International Convention were signed by Ireland, subject to ratification, on 27 June 1997. The revised convention will come fully into force when it is ratified by all member states. To date, 26 of the 35 member states have ratified the revised convention.

The amendments are designed in particular to strengthen the co-operation between contracting parties via joint activities in the field of air navigation. I must emphasise that these objectives do not prejudice the principle that every State has complete and exclusive sovereignty over the airspace above its territory, nor the capacity of every State to exercise its prerogatives with regard to security and defence in its national airspace.

The main provisions of the revised convention include an updating of the objectives of the organisation, commensurate with its current and possible future activities; a new institutional structure for formulating and implementing the organisation's policy; an expansion of the tasks of the organisation to achieve a European air traffic management system; more effective decision-making based on majority voting; and an enabling provision for European Community membership of Eurocontrol.

At about the same time as the revised convention was signed in June 1997, EU member states agreed in principle to Community membership of Eurocontrol, facilitated by the new article 40 of the convention, as the most appropriate way for the Community to exercise its competence in air traffic management. Negotiations between the European Commission and Eurocontrol subsequently resulted in the text of an agreed accession protocol in 2002.

Signature of the accession protocol took place at a diplomatic conference held on 8 October 2002. The accession of the European Community to Eurocontrol was the culmination of negotiations aimed at ensuring consistency between the two organisations as they work together to develop the European air traffic management system. This move was followed by the conclusion of a memorandum of co-operation between both organisations in December 2003, establishing a framework for mutual co-operation and support in five areas. These were: the implementation of

the single European sky, research and development, data collection and analysis in the areas of air traffic and environmental statistics, satellite navigation, and international co-operation in the field of aviation.

In this context, it is important to explain what is meant by the single European sky. The European Communities' single sky and the revised Eurocontrol convention are deeply interlinked initiatives designed to tackle structural inefficiencies in European air traffic management. The approach represents in many respects a marriage of the technical expertise of Eurocontrol with the political and legal wherewithal of the Community.

In the late 1990s, the sharp rise in European air traffic led to substantial air traffic control delays. These delays prompted the European Commission to launch its own initiative with the issuance in December 1999 of its communication entitled "The creation of the single European sky". Significant progress has been made on the move towards implementing the single European sky policy, which attempts to reform the current air traffic management system.

Air traffic management in Europe, with 73 air traffic control centres operating in the pan-European airspace, is fragmented and is facing capacity constraints in the future. An estimated 350,000 flight hours a year are wasted due to inefficient air traffic management and airport delays.

The European Commission has proposed a regulatory approach in the area of air traffic management with the objective of achieving a harmonised approach to safety in air traffic management, ATM, the regulation of air traffic services, technical inter-operability of systems and airspace design and management at a European level.

A key element of the institutional arrangements is the single sky committee which provides a mechanism for collaboration between member states' civil and military authorities on airspace allocation and use. The single sky policy is the best means of overcoming the current institutional and structural problems that exist in the European ATM system. It offers an effective process for securing the compliance of states with agreed system improvements.

The single European sky initiative marks the beginning of what I consider to be a new, dramatic and exciting chapter in European air traffic control. The development of the single sky proposals is both a challenge and an opportunity for air navigation service providers to demonstrate in a practical way the greater efficiencies that can be obtained through the integration and development of services on a European scale while ensuring uniformly high safety standards throughout Europe.

A single sky committee chaired by the European Commission will oversee the preparation of implementing measures to establish the appropriate regulatory framework. These proposals

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envisage Eurocontrol acting as the technical adviser to the single sky committee and playing a significant role in defining and developing rules in accordance with mandates given by the Community.

The commission sees Eurocontrol reflecting the single sky rules across its membership and, therefore, achieving some of the single sky objectives in the wider European sphere. At the same time, the intention is that the single sky committee would adopt Eurocontrol's own rules when these were considered appropriate. In this way, the synergies between both organisations can be developed.

The single sky legislation has implications for the organisation and management of air traffic control services in Ireland. It will require changes to the Irish Aviation Authority as service provider and regulatory authority for air navigation services. These developments and other evolving policies at international level, give rise to the need for a critical examination of the structure and functions of the Irish Aviation Authority with a view to ensuring continuation of the highest safety standards, maximising organisational and operational efficiency, and ensuring alignment with international and European air navigation and safety policies.

The single European sky regulations require that all air navigation service providers be certified. Certification encompasses the following areas: air traffic services, ATS; meteorological services for air navigation, MET; aeronautical information services, AIS; and communications, navigation and surveillance services, CNS.

Common requirements for the certification of air navigation service providers, when adopted, will cover a range of criteria, including technical and operational ones. Air navigation service providers will also be required to demonstrate suitability in the areas of ownership and organisational structure, as well as human resources, including adequate staffing plans and security.

These criteria provide the foundation for national supervisory authorities to certify service providers. Only validly certified air navigation service providers can then be designated to provide air traffic services on an exclusive basis within specified, constituent airspace blocks of the national airspace. The safety regulation division, SRD, of the IAA has been nominated as Ireland's interim national supervisory authority.

While Eurocontrol was previously almost exclusively concerned with air traffic management activities for the *en route* segment, the revised convention has considerably extended the scope of its activities to include the entire spectrum of air traffic services.

The changes enable: the introduction of independent performance review and target setting; improvements to safety regulation; strengthened

policy and planning for the airport/air traffic system interface as part of the "gate-to-gate" concept; improved airspace design processes; improved standards making; the provision for common design and procurement of systems; enhanced research, development, trials and evaluation, and more effective introduction of new technology; enhanced user consultation/ involvement; and enhanced global co-operation and influence.

With the growth in air traffic and the expansion in membership it was recognised that the previously unanimous decision-making structure was unwieldy. Under the revised convention most decisions can be taken by a majority vote. The revised convention will enable Eurocontrol to pass binding decisions on contracting parties in the fields of air safety, which is seen as a significant step in the right direction towards a more harmonised, safer European air traffic management system.

Even though the revised convention will not come into force until all contracting parties have individually ratified it, the contracting parties agreed to implement certain provisions of the revised convention early. These have included: (i) expansion of the scope of the organisation's activities; (ii) establishment of the provisional council and advisory bodies to it, including the performance review commission and the safety regulation commission; and (iii) delegation of broader executive powers to the Eurocontrol agency and its director general for the day-to-day running of the organisation. These important developments have enabled Eurocontrol to function more effectively.

The European Commission sees Eurocontrol reflecting the single sky rules across its membership and, therefore, achieving some of the single sky objectives in the wider European sphere. At the same time, the intention is that the single sky committee would adopt Eurocontrol's own rules when these were considered appropriate. In this way, the synergies between the two organisations can be developed. Eurocontrol can play an important role in bridging the gap between EU states under the new air traffic management, ATM, regulatory structure being devised under Single Sky, and the non-EU contracting parties and will also continue to act as the main technical support body for Europe's air traffic management industry.

The Bill amends the Irish Aviation Authority Act 1993 and also makes provision for related matters. Specifically, the Bill reflects changes in the management structure of Eurocontrol and provides for the making of regulations requiring the Irish Aviation Authority to comply with any conditions laid down for the operation of a common European air traffic flow management system at a common international centre. Eurocontrol already operates such a centre, the central

flow management unit based in Brussels, which has worked well with national air traffic service providers over a number of years. Furthermore, the Bill provides that Eurocontrol officers may give evidence in Irish courts and also provides for such officers to carry out on-the-spot inspections.

Government policy on air navigation services is designed to ensure that Irish controlled airspace is operated safely with maximum efficiency and effectiveness and that the highest internationally set and agreed safety standards are applied to the operations of Irish airspace and those using it. This policy is based on standards that are set internationally, mainly through the International Civil Aviation Organisation, ICAO, Convention to which Ireland is a signatory. Effect is given to this policy through the Air Navigation and Transport Acts and the Irish Aviation Authority Act 1993. Both Government policy and the development of these standards are designed to ensure continuing acceptable passenger and aircraft safety levels.

Having regard to the largely executive nature of air navigation and safety regulatory functions, the requirement to ensure that these remain responsive to market needs and the desirability of capitalising on its potential for additional commercial and employment opportunities, the Government assigned these functions to the Irish Aviation Authority in 1994. The authority has responsibility for regulating the technical and safety aspects of civil aviation and for the provision of air traffic standards. In its regulatory capacity it oversees the safety standards in the operation, maintenance and airworthiness of Irish registered aircraft, Irish air navigation services, Irish airlines and aircraft maintenance organisations, the competency of Irish pilots and aircraft maintenance engineers and the operation of Irish aerodromes. In fulfilling its role, the IAA operates to international safety standards and procedures as laid down by the International Civil Aviation Organisation, the European Joint Aviation Authorities, Eurocontrol, which is the European organisation for the safety of air navigation, the European Civil Aviation Conference and the European Union.

During the debate on this Bill in the Seanad, a number of amendments were proposed to address concerns raised by some aircraft leasing companies on the issue of detention and sale of aircraft for unpaid debts. Articles 5 to 9 of Annex IV to the revised convention refer to the issues of attaching the *en route* charge as a lien on the aircraft, making the operator and owner jointly and severally liable and detention and sale of aircraft to enforce recovery. These provisions are not included in the published Bill. Under the convention, Ireland is under no compulsion to legislate for creation of liens or joint and several liability. Rather it is at the discretion of each contracting party to introduce domestic law to

implement this element of the convention. I therefore assure Deputies that the passage of this Bill in its current form will not increase our current powers relating to detention and sale of aircraft for unpaid charges. These provisions have been in place since 1988.

The leasing companies have also voiced concerns about the powers contained in earlier Acts dating from 1988 and they have asked that they be modified in the Air Navigation (Eurocontrol) Bill 2005. As a result, the Minister consulted the Office of the Attorney General and other interested parties, namely, the Irish Aviation Authority, the Dublin Airport Authority and Eurocontrol. All argued against the removal or dilution of the existing powers of detention and sale. Following consideration of all the views expressed on both sides, it has been decided not to make any changes to the existing powers at this point.

A number of technical amendments to the Aviation Regulation Act 2001 will be tabled on Committee Stage. Included in these technical amendments will be a provision to extend the timetable for the consideration of any appeals submitted to the Minister with regard to airport charges and aviation services charges determinations made by the Commission for Aviation Regulation. The existing timescales set in the legislation for the consideration of appeals by an appeal panel and by the commission, where issues are referred back to it by the panel for review, are relatively tight and the main aim of the amendments is to ensure that the various parties involved have sufficient time to give due consideration to any appeal.

Under the European Communities (Compensation and Assistance to Air Passengers)(Denied Boarding, Cancellation or Long Delay of Flights) Regulations 2005, SI 274 of 2005, the Commission for Aviation Regulation was appointed as the designated body for the purposes of implementing Regulation (EC) No. 261/2004 establishing common rules on compensation and assistance to passengers in the event of being denied boarding and of cancellation or long delay of flights and repealing Regulation (EEC) No. 295/91. However, the European Communities Act only allows for summary convictions and associated penalties for infringements of the legislation. The Minister is taking this opportunity to re-cast the commission's role in primary legislation as this will allow it to pursue prosecutions on indictment in the event of serious breaches of the legislation.

I now turn to the main provisions of the Bill. Section 1 defines the Act of 1993 as the Irish Aviation Authority Act 1993. Section 2 provides for miscellaneous amendments to the Act of 1993 reflecting the new and more streamlined organisational arrangements within Eurocontrol and updating the penalties contained in section 74 of

[Mr. Gallagher.]

the Act of 1993. Section 3 provides for amendment of Part III — Eurocontrol Convention — of the Act of 1993 to delete references to the statute of the agency and the multilateral agreement on route charges, which are incorporated into the new convention.

This section also empowers the Minister to make regulations for the purpose of giving effect to the common European air traffic flow management system at a common international centre, specified in Articles 2(e), 7.2(d) and 19 of the new convention, and ensuring compliance with that system by way of random checks and inspections and evidence in proceedings. Eurocontrol already operates such a centre, the central flow management unit based in Brussels, which has worked well with national air traffic service providers over a number of years.

Section 4 repeals section 67 of the Act of 1993 on the detention of aircraft. Section 67(a), (b) and (c) relates to the transfer of powers from the Minister to the Irish Aviation Authority set out in section 32 of the Air Navigation and Transport Act 1988. Section 32 was repealed by the Air Navigation and Transport Act 1998 so these subsections are already in fact redundant. Section 67(d) and (e) of the Act of 1993 comprises textual amendments to section 41 of the 1988 Act, which also relates to the transfer of powers from the Minister to the IAA. I am advised that the repeal of the entire section 67 of the Act of 1993 does not affect the status of section 41 of the 1988 Act as amended by section 67.

Section 5 is a standard provision in legislation providing for the Short Title. The Schedule to the Bill reproduces the text of the consolidated Eurocontrol convention. I commend the Bill to the House.

Ms O. Mitchell: I thank the Minister of State. On behalf of Fine Gael, I welcome the introduction of this legislation, which asks us to ratify a European convention. We are late in the day to do so. I understand from the Minister of State that there is a certain urgency about it and Fine Gael will not delay the Bill's passage through the House.

This is one of those Bills in which the media has no interest and about which the public knows nothing. Nevertheless, the Eurocontrol organisation is vital to the operation of modern society and plays a key role in safety and the continuation of business, travel and so on. As such, this is important legislation.

While welcoming the Bill and the changes it makes, Fine Gael has some difficulties with the powers the Bill confers on Eurocontrol. It is a vital body in the regulation of air traffic across the Continent and I wish to record my regard for the work it does. Everyone appreciates its work in managing the system and ensuring the safety

of every air traveller. As far as I am aware, the system is unique in the world and is a model for aeronautical and air traffic control co-operation.

As the European organisation for the safety of air navigation, Eurocontrol has been central to the successful development of a seamless pan-European air traffic management system. It is to be lauded and praised for the manner in which it has coped with the significant increase in the amount of air traffic in recent years. It delivers a wide range of services to the aviation community in the very broadest sense. It is no small task to co-ordinate the 35 national aviation authorities.

In addition to joint aviation authorities, those involved include hundreds of airports, airlines ranging in size from single aircraft to medium-sized airline companies such as Aer Lingus to enormous international characters such as Air France, KLM, Lufthansa and British Airways, private and military aircraft, the aeronautical industry, the European Aviation Safety Authority, NATO, the European Space Agency, the European Commission, the International Civil Aviation Authority and many more. For that work and the processing of the average 25,000 daily flights, I understand that Eurocontrol has more than 2,000 staff. To put that in perspective, it is on the scale of more than 9 million flights per year. Therefore, Eurocontrol's role and contribution is significant.

When this matter was discussed in the Seanad, a particular aspect of the convention that gives rise to concerns among the industry here was focused on. Irish operators take their responsibilities to Eurocontrol and the industry as a whole quite seriously. While I would like to praise our airlines and charter companies for their conscientiousness in dealing with Eurocontrol, there are carriers in Europe that take a less responsible view and are less conscientious, especially when it comes to the payment of dues to Eurocontrol for the use and management of the air traffic control system. As a result, there have been examples of airline companies that have refused to pay their fees to Eurocontrol to the tune of many millions of euro. I cite the example of an Italian airline that recently became insolvent, leaving Eurocontrol with an outstanding debt of €17 million.

People who do not pay their debts are unreliable and are the last type of people one would want involved in the aviation industry, running airlines and transporting passengers. They should be named and shamed. Where possible, airports should make it clear early on that they will not co-operate in future business with airlines defaulting on Eurocontrol bills and fees to airports.

However, some of the blame for the accumulation of very large debts must lie at the door of Eurocontrol itself. It must be vigilant and timely in its debt collection systems. We would not be sympathetic to any business that, having allowed

large debts to accumulate, began to moan and seek draconian powers to improve its ability to collect when it did not make any efforts at an early stage. It inevitably increases the cost to all compliant users of the service around Europe. It would be grossly unfair for them to take up the cost of what has not been paid by defaulting airlines. Timely and efficient debt collection is important but particularly so within an international organisation.

When this Bill went through the Seanad, a number of my colleagues raised issues with the former Minister of State at the Department of Transport who said he would examine the matters before the Bill came to the Dáil or moved on to Committee Stage. Fine Gael's overall support for the Bill is predicated on the provision of a number of changes as a result of the Minister for Transport's consideration since it went through the Seanad. From what the Minister of State said this morning, it seems that some of those expressed concerns have not been addressed. I have not had time to examine his statement in detail. I am concerned about this matter. Amendments will be pressed on Committee Stage.

Section 4 of the Bill repeals section 67 of the Irish Aviation Authority Act 1993. This pertains to the detention of aircraft and extending this power to Eurocontrol. In repealing that section, it is not clear whether the power to detain aircraft is being removed altogether or this provision simply removes that power from Eurocontrol. If this is the case, the situation would not appear to be fair or even-handed and would be at variance with the thrust of the legislation. It would compound an existing problem. As I understand it, the purpose of the legislation is merely to transpose the convention into Irish law. Will the Minister reconsider the position on this matter and clarify it on Committee Stage?

Eurocontrol can and will be able to collect unpaid charges from those airlines that do not discharge their debts by creating a lien on the aircraft belonging to them. Fine Gael and many in the industry have a problem in that Eurocontrol can register those debts, not just against the defaulting airline but third parties who are in no way responsible for incurring the debts in the first place. This is where a third party is perhaps the owner of an aircraft but not the operator, is the owner of any part of the aircraft — it is quite common to have a separate owner for the engine — or has merely leased the aircraft to an airline. The defaulter is, in fact, the airline operator. In such a case, the owner of the aircraft, any part of the aircraft or the lessor of the aircraft has no role in incurring the charges in the first place. For example, if A leases an aircraft to airline B and airline B fails to pay the charges due to Eurocontrol, the agency can seize the aircraft of A to satisfy the debt of B. Eurocontrol can pursue A,

which may not be the owner but has leased a small part of the aircraft from the owner.

This is against natural justice and should not be allowed to persist. To be even-handed, Fine Gael would not support a situation where this power would be available either to Eurocontrol or the national airports. It is not an appropriate power to give to anyone in pursuit of a debt.

Similarly, it seems that the Dublin Airport Authority and the other airports can ground aircraft where the airline has defaulted on landing charges to any Irish airport authority. Not only does this go beyond what is required of us in the convention, it goes well beyond powers given to airports in any other country and can only act to the detriment of Irish business by making Ireland a much less attractive venue for those financing, servicing or providing parts to aircraft.

As it stands, if this principle were to be enshrined further in Irish law, it would represent an inequitable legal burden on lessors and an inadequate responsibility on lessees and operators. Furthermore and probably more seriously, this Bill would create circumstances wherein there is no incentive for Eurocontrol to expeditiously collect moneys due to it as it will always have recourse elsewhere to institutions, bodies and companies that are more reliable than the defaulting operator against which it has a genuine case. If a company that owes money and has defaulted becomes insolvent, as is quite likely, Eurocontrol can turn with the greatest of ease to another corporation and pursue it in law even though it had no role in incurring the debt. This allows Eurocontrol to be inefficient in the collection of its dues and it is in nobody's interest that Eurocontrol should be given this additional avenue of debt collection that is not available to any other company in any sector. No one should be able to ground aircraft to cover the debts of others. It seems the Minister is rejecting these concerns and I ask him to reconsider. It would appear there is no need to give this additional debt collection power to Eurocontrol. It already has a significant success rate in collecting unpaid fees and it is not clear why it needs further assistance in this regard.

The most serious aspect is that it would put Ireland in a position where it would have gone further than any other country in providing Eurocontrol with powers to seize and to dispose of assets. As a result, the legislation would undermine any claims by Ireland that it supports the aerospace industry. Irish companies have fought hard to attract maintenance and repair business to the country. Making Ireland a country where aircraft are more likely to be grounded and held as a lien against the debts of others would make it extremely difficult to attract business into this country. Ireland would be an unpopular place to allow a company's aircraft to land and this is an unnecessary liability to Irish companies and is

12 o'clock

[Ms O. Mitchell.]

simply bad business for airlines as they would choose to avoid Irish airports wherever possible. The former Minister of State promised he would look at this issue when he steered the Bill through Committee Stage in Seanad Éireann and I ask the current Minister to reconsider before the debate on Committee Stage.

I wish to avoid tabling amendments in order to deal with this situation but I will have to do so if the concerns raised are not satisfied. These amendments are minor in the context of bringing this convention into Irish law and we will support this.

The Minister in his speech said:

The Bill amends the Irish Aviation Authority Act 1993 and also makes provision for related matters. Specifically, the Bill reflects changes in the management structure of Eurocontrol and provides for the making of regulations requiring the Irish Aviation Authority to comply with any conditions laid down for the operation of a common European air traffic flow management system at a common international centre.

I presume this refers to the single sky policy and the regulatory framework, which I support. I have difficulties with granting further responsibilities to the Irish Aviation Authority in view of concerns expressed recently, arising either from the recent reporting of a number of incidents or the growth of low cost airlines. Although the incidents were not recent they were recently reported together. Some concern was expressed in the industry and I believe the chairman of the Irish Airline Pilots Association was quoted in a recent article as stating that safety in Irish aviation is being eroded. This is an extreme statement and I have no way of knowing if he is correct. We must examine what concerns this association has. If the Irish Aviation Authority does not have the resources to deal with these problems, given the growth in flights to, from and over Ireland, perhaps the Minister should liaise with those in the industry who express these concerns. I make this point in respect of the Minister's point that the Bill "provides for the making of regulations requiring the Irish Aviation Authority to comply with any conditions". If we are asking the authority to comply with further conditions and undertake additional work, we must ensure it has the resources and technical expertise necessary to deal with the challenges that lie ahead. I do not wish to criticise the Irish Aviation Authority, which does a fantastic job.

I support this legislation and will support its passage through the House.

Ms Shortall: The Labour Party welcomes and supports the thrust of this Bill concerning the ratification of the Eurocontrol convention and the most recent protocols. The recent protocols are primarily concerned with increasing co-ordi-

nation of air traffic control in Europe, which we support. The Bill allows for Irish ratification, thereby updating the functions of Eurocontrol to achieve European air traffic management, revising its institutional structure and allowing greater majority voting. We support these measures and do not seek to slow passage of this Bill through the House. We note it will not take effect until all contracting parties have signed it.

Issues have been raised about this legislation, discussed in the Seanad and referred to by Deputy Olivia Mitchell. Opposition spokespersons and the Minister have had representations from various interests in the industry. To date, the concerns raised in correspondence have been referred to but not addressed.

Industries are concerned that the Bill does not delete existing regulatory provisions that are not applied elsewhere and because of that Irish industry is at a competitive disadvantage. The measures envisaged in the Bill have the potential to render Ireland less attractive as a place to bring aircraft. The maintenance and repair business is highly competitive and we accept that Ireland is a relatively high cost base from which to deliver these services. The proposed legislation would compound the industry's difficulties and draw business away from Ireland to other European jurisdictions who are less inclined to confer extraordinary collection powers on Eurocontrol. Many different interests in the industry hold the view that the legislation, if enacted, will make it easier for Eurocontrol to take action against its customers, putting Ireland in the position of going further than any other country in providing Eurocontrol with powers to seize and dispose of aircraft.

The legislation would undermine Ireland's claim to support the aerospace industry. As Eurocontrol is already highly successful in collecting unpaid fees the industry questions whether further assistance is needed from the State. The Labour Party believes genuine concerns are being expressed as the ratification of the convention does not require measures envisaged in the Bill, as was acknowledged in the Seanad. It is difficult to understand why the Minister wants to go further than other European countries. No adequate explanation has been given for this.

The Minister, the previous Minister and replies to various parliamentary questions suggested negotiations would be held with those who express concerns about the impact of this legislation on the industry. While some communication has taken place nothing has come of these discussions. The Minister has not explained this.

It is not solely leasing companies that have raised these issues. Airbus, Boeing, SR Technics, Royal Bank of Scotland and the Federation of Aerospace Enterprises in Ireland raised concerns with the Opposition and the Minister. They have followed the debate closely since it began in the Seanad. The reasons for changing the law have been outlined by the industry. The main problem

is that those supporting the changes have been given no idea why the Irish Aviation Authority and the Dublin Airport Authority have argued against the removal or dilution of the existing powers.

In his opening comments, the Minister of State merely stated that having consulted both bodies, it was decided not to make any changes to the legislation. However, he did not explain the thinking of the IAA or the DAA regarding the matter and how the concerns expressed by the industry, which seem to be genuine, can be allayed. There is no justification for failing to address those issues. In summing up, the Minister of State might explain precisely what concerns the IAA and the DAA have regarding diluting the existing powers which are considered too draconian.

No argument can be made that aircraft engines and equipment should be immune from seizure and sale. For effective collection, an operator's aircraft should be liable to be detained and sold where the operator has not paid his or her charges. It seems to come down to who is being asked to bear the risk. The risk is seen to arise as a result of the lax credit control by Eurocontrol and Dublin Airport Authority. Both bodies have powers to sue airlines which do not pay to recover the debt with interest.

It is also important to bear in mind that regional airports, such as Kerry, Sligo, Knock and Galway, operate without the benefit of the 1998 Act statutory detention rights enjoyed by the three DAA airports. If such statutory detention rights are so beneficial to the three main State airports business, it seems the legislation also potentially creates an unjustified and uneven playing field for competition between all Irish airports. The point was made that Ireland would not be alone in making a declaration or reservation when ratifying the 1997 protocol. I understand Spain decided to ratify with reservations and had no difficulties in doing so from a procedural view.

Those in the industry, which has been successful, point out they do not always operate from the most competitive cost base. Extremely large numbers of people are employed in the industry here. In fairness to them, they deserve a clear explanation from the Minister why they are expected to compete in an uneven environment where they operate under much stricter controls than their competitors. They should also be told the precise concerns of the Minister, the IAA and the DAA in respect of removing those existing tight controls. Eurocontrol is seeking a belt and braces approach to credit control. The Bill goes much further than the other European states with which our industry competes. I ask the Minister for clarification. In the absence of clarification I reserve my right to table amendments on Committee Stage.

Ms C. Murphy: I wish to share time with Deputy Boyle.

An Ceann Comhairle: Is that agreed? Agreed.

Ms C. Murphy: There is no doubt about the need for a co-ordinated approach on this matter, especially given the growth in aircraft movement throughout Europe. In Ireland we can see the growth in aircraft numbers. The perception is that the Bill concerns large aircraft. The growth in the number of smaller aircraft is equally significant, if not more so. Increasingly, people use helicopters to move around while small aircraft are used for hobby purposes and to move between smaller airfields and aerodromes. We must consider those issues when considering the Bill.

When discussing aircraft safety, people consider legislation requirements from the point of view of passengers and those working on aircraft. However, another group of people, made up of those who live under flight paths, is also keenly aware of the need for safety. It is equally important when examining legislation that we consider the issues from that perspective. In that context, I will focus on the Irish Aviation Authority.

I live quite close to a growing aerodrome, Weston Aerodrome, and owing to some of the significant problems which have arisen I have become conscious of some shortcomings in the regulations. Weston Aerodrome cohabits the airspace with Casement Aerodrome and a flight path from Dublin Airport also goes over it which means there is a great deal of movement. Keeping planes apart in the air is even more difficult when one considers that much of the airspace around it is unregulated. A person can literally get into his or her plane, set off from south Kildare and land at Weston without being required to record the flight. They simply make arrangements to land at the aerodrome.

At least four Departments and two local authorities are involved, as is the Irish Aviation Authority. I am concerned about the lack of co-ordination between them. I am also concerned that the expanded role of the Irish Aviation Authority means that functions are merely tacked on rather than having a comprehensive organisation dealing with all aspects. The authority states its primary function is to keep planes apart in the air as though what happens when they land and the planning required on where they land is a disconnected function.

The Chicago Convention tends to be used in terms of safety standards and is the internationally recognised convention. Some countries have regulated upwards from that. For congested areas, the UK regulates above what is required by the Chicago Convention. We must examine that when considering safety, particularly regarding smaller airfields and aerodromes. Public consultation does not take place if an airfield or aerodrome seeks a change in its licence. In a current case, the Air Corps, the owner of Weston Aerodrome and the Irish Aviation Authority are discussing a change in licence that would potentially

[Ms C. Murphy.]

mean a move from visual to instrument control. Essentially that will mean a larger piece of airstrip will be used. If one uses a larger airstrip, one moves from a small, two-seater to six-seater aircraft up to a 50-seater one. That is significant yet the public is treated as a disinterested party and the local authorities are not even consulted. That is no way to regulate. If one looks at this legislation in a pan-European context, one must also look at getting our house in order. A root and branch examination of the role and function of the Irish Aviation Authority and how it relates to the local authorities and Department is needed.

Mr. Boyle: I apologise for the absence of our spokesperson on transport, Deputy Eamon Ryan, who must attend the Select Committee on Communications, Marine and Natural Resources. I admit to being somewhat bemused when legislation is presented by the Department of Transport as a priority. Although the last revision of the convention was in 1997 and Ireland signed it, nine years later we are being asked to ratify this document. The question is, why now?

The last aviation legislation before the House related to the Government underwriting liability in the event of dirty bombs. That legislation was rushed through and all Stages were taken on one day. It seems that legislation has not been replicated in other EU countries and that it has not even been applied. One must ask why we were presented with that legislation and whether we should give this Bill equally serious consideration given that type of track record by the Department and the Minister concerned.

That said, there is little in this Bill to oppose. However, it offers the opportunity to debate where we stand on air traffic control and the common responsibilities we have as regards our European neighbours. While the organisation and the convention are centred around civil aviation, I would like to think this debate offers us an opportunity to talk about other air traffic control issues which we, as a nation, seem to be blurring — that is, civil and military aviation — and how membership of this organisation and this convention could be used to bring clarity to those grey areas in the future.

The increasing number of military aircraft landing at Shannon Airport is a matter of great concern to people and the seeming indifference of the Government to those landings, whether involving troop movements or, more insidiously, the transportation of people for torture. That is something which should be subject to international agreement and for which the Government should be responsible. On those grounds, questions on landings at Shannon Airport, as recorded by air traffic control and as reported by US aviation officials, would benefit from clarification by a European body because we do not seem to be getting the correct figures. Perhaps when

concluding, the Minister might use the opportunity to explain why there are varying figures with what seem to be phantom flights in and out of this country.

The central aspect of this Bill concerns membership of Eurocontrol by the European Community. I am at a bit of a loss as to why this is considered necessary because outside of Poland and the three Baltic countries, all other members of the European Union are members of this body in their own right. This issue needs explanation. Of the 34 countries, 22 are required to ratify this. I missed the Second Stage contribution of the Minister of State at the Department of Communications, Marine and Natural Resources and I do not know whether he clarified this. However, if 22 countries are required to ratify this protocol to the convention, is Ireland the twenty second country? At what stage is ratification when this House passes the Bill?

That brings me back to my original point about the type of legislation presented to the House by the Department of Transport, the background information and the seriousness attached to it. On the question of seriousness, this is a Department of Transport Bill, Second Stage of which was introduced by a Minister of State at another Department and which is likely to be concluded by a Minister of State from yet another Department. I seriously question whether the Government is treating this legislation with any degree of seriousness. The Government seems to be saying this is matter of fact legislation that happens to be in the Department of Transport which seems to care little about whether or how legislation goes through this House. That is a matter of concern for those on this side of the House.

This Second Stage debate also gives us an opportunity to discuss European air traffic control and recent incidents, particularly involving Ryanair, and runway mishaps which might be indicative of the relentlessness of low cost airlines, the competition in that sector of the airline industry and of the particular pressures on air traffic control. This can only be tackled at a European level. There has been silence from the Government and from the Department of and the Minister for Transport in expressing concern about the incidents. The Minister for Transport should make statements about these incidents assuring people that proper measures will be taken in respect of air safety, as he seems to be doing belatedly on road safety.

The public has had confidence in air safety. The number of people injured or killed as a result of air travel is far less than for other modes of transport. When we see reportage of and an increase in such incidents, the Government has a responsibility to comment on them, offer reassurance, state the legislation in place and what enforcement mechanisms are being used. If there is a deficiency in any of those areas, it should move to fill in those gaps. The silence of the

Government on many of these issues indicates a degree of indifference on this matter.

I refer to statements made in the Seanad on Tuesday night on the future of Cork Airport and its new terminal which has much to do with air traffic control and the number of passengers who will and will not be able to use that facility into the future. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, said the expectation was that the debt of the new terminal building in Cork Airport was to be met by the new company replacing what was Aer Rianta, the Dublin Airport Authority, but that it would not now be met. At best, it seems at least half the debt will be met by the new Cork Airport Authority. If that is the case, the Government has engaged in a huge deceit of people in the Cork region and it needs to explain itself.

I find it particularly incredulous that the excuse used by the Minister of State was that in forming this new company which is, in effect, the Dublin Airport Authority and which has responsibility as of now for Cork and Shannon, there is a fiduciary duty of care on the directors of that new company that they cannot enter into an agreement to underwrite a loan of €180 million on behalf of Cork Airport.

However, this was the very commitment given by the Minister for Transport in this House to elected representatives of the Cork region on behalf of the people of Cork, regarding a specific political promise that their expectations would be met. If there has been a slithering away from that commitment and promise, it is of a piece with the seriousness with which I have witnessed the Department and Minister of Transport deal with many transport issues and with aviation policy. As a representative for the Cork region, I am ashamed to state that it is of a piece with the manner in which the entire area of regional aviation policy, particularly regarding our other national airports, has been dealt with.

Mr. Connolly: As far as the management and streamlining of Europe's air traffic is concerned, the adoption of the Eurocontrol Convention by 34 states is a massive step forward. At a time of rapidly growing demand in air transport, Europe's scattered air traffic management framework is in urgent need of a fundamental overhaul and full Continent-wide integration. The current critical situation of long and worsening air traffic delays causes massive economic losses to all market participants. This is mainly due to the insufficient co-ordination between air traffic control centres and insufficient route and air space structures across national boundaries.

This can no longer be accepted at a time when passengers should be at the centre of air traffic concerns. It is also a time when Europe's future integration and growth critically depends on efficient but safe air transport. Moreover, technology, in the form of satellite navigation and

computer capacity is readily available to make a reality of the concept of the single European sky. Eurocontrol has made valiant efforts to prevent delays from worsening further within the parameters of the current framework.

The new revised Eurocontrol convention to which this Bill will give force of law is a major step forward in the direction of an integrated air traffic management system. This will also entail the separation between air traffic management service providers and a European air traffic management regulatory authority, preferably Eurocontrol itself. It will be responsible for safety, optimal air space use, economic efficiency and interoperability between system components. The full participation of Eurocontrol's widening membership in central and eastern Europe in a single European sky is vital to the Continent's future, including successful EU enlargement. Already, Europe has a tremendously complex and busy airspace, including 560 airports, 450 control sectors and 75 control centres. Europe's airspace is one of the busiest in the world, with more than 9.2 million flights in 2005, which carried some——

Acting Chairman (Mr. McCormack): Does the Deputy propose to share time with Deputy Crowe?

Mr. Connolly: Yes, I wish to share time with Deputy Crowe.

Acting Chairman: A total of 11 minutes remain in this slot.

Mr. Connolly: On most days, there are upwards of 30,000 flights with more than 3,000 aircraft in the air over Europe at the same time. While that fact would once have given me some cause for concern, thankfully it no longer bothers me so much.

In the coming years, this airspace will become busier, as Europe's air traffic has grown by 14% in the past six years and by more than 4.5% within the past 12 months alone. Hence, air traffic is growing rapidly and the forecasted growth for the coming year is in the order of 3%, with peaks of growth in eastern Europe. It is estimated that Croatia's traffic will grow by 18%, that of Slovakia by 17% and that of Poland by 16%. All of them are signatories to the Eurocontrol convention. Overall, air traffic growth in Europe in the next seven years is expected to be in the order of 3.7% annually.

Mr. Crowe: This is as important a piece of legislation to come before the House this year as any other. It will also be one of the most neglected, as the Government parties will concentrate more on what they might view as the juicier vote buying Bills and announcements, which are sure to flood the Chamber in the coming months.

[Mr. Crowe.]

The Bill is important because it links future economic development on the island and the role and influence of the European Commission, the decision-making powers of the Government and the transparency within that Government, the issue of public ownership of national resources and the role of the private sector in the economy. The Bill also raises the subject of the impact of international military and defence policies in the Irish economy and in Irish politics.

In respect of air transport strategy, Members are asked to support this Bill on the basis that Europe's airspace is one of the busiest in the world and that we must ensure its future growth. In 2005, there were more than 9.2 million flights and it is estimated that this figure will double by 2020. On busy days in Europe, more than 30,000 flights take place. While the number of flights is an impressive marker of the growth of the European economy and the level of interconnectivity of its people, there are also strategic concerns for the Irish economy which have not been adequately addressed by this Bill. For an island that depends on its ability to export and import efficiently and cheaply, this legislation is vital. More than 35 billion tonnes of freight were carried through European airspace last year. The proposed legislation frequently makes reference to the efficient and safe running of airports in member states which caused me to wonder about the whereabouts of the strategic plans for Irish airports which were promised during the break-up of Aer Rianta.

If one can come to any conclusion from considering this Bill which promises a seamless air traffic management system for Europe, it is to question whether a seamless air traffic transport strategy exists for the island of Ireland. The answer must be a resounding "no". Essentially, the Bill deals with the administration of Eurocontrol, the European organisation for the safety of air navigation. It is a civil and military organisation which currently has 35 member states. One of Eurocontrol's key concerns is the construction of sufficient capacity to enable future growth in European air travel. Again, this raises questions of the situation in Ireland, where congestion in Dublin airport, combined with the underdevelopment of other regional airports means that no matter what happens within European air management, we will still be left with a creaking airport network.

I refer to powers to enter premises. The Bill offers interesting powers to ensure compliance with the Eurocontrol convention. Section 3 of the Bill alludes to them, where the legislation empowers an authorised person to enter any premises of any aircraft operator and to inspect, take copies of any books, records and other documents, as well as copy or extract any data needed for any aircraft operator. The Bill also empowers the Garda to accompany any authorised officials carrying out random inspections. It should be

noted the legislation includes aircraft in its definition of a premises. Hence, this is a tool for the Garda and for the Government's officials to inspect a small number of the hundreds of United States flights which touch down in Shannon Airport, without infringing on the rights of what the Minister for Foreign Affairs tells us is a friendly nation.

As for protocols, I note from the draft Bill the presence of protocols inserted by the Belgian and German Governments. In particular, the Kingdom of Belgium has declared that what is behind the Bill "attaches particular importance...to the airspace being organised in such a way as to guarantee there will be no discrimination in the accessibility of its airports". Is the Minister responsible for this legislation not concerned that the Government should have included such a clause itself?

As I have already stated, air travel, in terms of passengers and freight, as well as access to international airspace, is emerging as a key factor in the future economic development of this island. Hence, we must ensure that every effort is made to guarantee the best quality of infrastructure in international and European air travel management. I wonder how much thought has actually been given to this issue. I hope the Government did not, as is often the case in EU and international negotiations, merely act as yes-men or yes-women when it came to negotiating the Eurocontrol convention. I refer to harmonisation of air traffic management and military implications. If an inclusive Europe is being built, harmonisation of air traffic management is vital.

However, while I welcome a civil aviation air traffic management strategy, I am concerned about inserting references in domestic legislation to meeting the requirements of all civil and military users. The requirements of civil users are plain enough as they want a safe, dependable air traffic management system with a minimum of delays. What are the requirements of military users? They are not spelt out in the legislation. What are we being asked to support? The convention also commits Ireland to participate in the design, implementation and monitoring of a global navigation satellite system. I take it this refers to the Galileo project which is estimated to cost €3.4 billion. The explanatory memorandum states there are no additional costs to the Exchequer. How much is the Government contributing to this project? Under whose budget will the costs be borne?

The convention agrees to establish an independent performance review system that will address all aspects of air traffic management, including policy and planning safety management on the ground in airports and in the air. This is important as competition between airlines and airports is creating intense pressure within the industry. All passengers flying in Europe should be able to undertake a journey in the knowledge that the highest safety standards are in operation

no matter where they are flying to or who they are flying with.

The convention is short on specifics but long on commitments. Article 2(m) commits the Government to support the improvement of efficiency and flexibility in the use of airspace between civil and military users. Tens of thousands US military personnel travel through our airports and airspace. What does such efficiency and flexibility mean, given that until now, we have seen only expediency and cover-up regarding the military use of domestic airspace? For example, is the Government aware that, at the end of this month, Dallas, Texas plays host to a conference on communication navigation surveillance air traffic management? This year's theme is integrating military operations in a civilian CNSATM environment. Representatives of NATO and the US and other national air forces will attend. This is one example of the not so hidden aspects of the Bill we are being asked to support.

While the Bill is worthy of consideration, it does not deal adequately with ensuring Irish interests are being promoted and protected efficiently and leaves many unanswered questions about its military applications.

Mr. Dennehy: I welcome the opportunity to contribute to the debate. The twin aims of the legislation are improved safety and seamless travel between European destinations. They are the key outcomes projected by the Bill. These developments will be supported by the millions of passengers using airports such as Dublin, Shannon and Cork regularly. I was glad that Deputy Olivia Mitchell welcomed the Bill because it is important that we should all support necessary legislation on safety and related matters.

The legislation, by modernising air traffic control, will greatly assist the 35 member states under the remit of Eurocontrol, and the planned revision of its operations will only come into full force when the remaining nine of the 35 member states ratify it. That cannot happen quickly enough because there has been foot dragging internationally on the question of safety. People are sceptical about handing over control to an organisation that has a Europe-wide remit but it is essential to have greater co-ordination of airspace and more work is needed in this regard.

The rapid and massive expansion of air travel has led to a need for better control. It is frightening for intending passengers to read about major air incidents involving aeroplanes flying too close to each other or entering the wrong airspace and so on. One feels a little helpless because airspace control is technical and almost beyond our comprehension. When experts and pilots' representative associations highlight such incidents, it gives a fair warning to the air navigation authorities and Transport Ministers to get their act together to enact the necessary legislation. Factors other

than overcrowding generate negative coverage and, for instance, one pilot had a reported breakdown last year as a result of stress. Complaints have been made by one pilots' representative association that attempts to generate faster turn-arounds are creating a more dangerous environment for everybody involved. These issues need to be addressed by legislation that will cover everybody.

I will be parochial and refer to Cork Airport. If Ireland is to adhere to the requirements regarding controls, safety, services, engineering, maintenance, security and so on, it is essential that funding is available for all airports. The capacity of Cork Airport is set to increase to 3 million passengers annually from 2.5 million in 2005, and it will reach 4.5 million in a decade. Interwoven issues such as traffic volumes and passenger safety take on a hugely important meaning in that context. Standards of aircraft, security services and engineering staff must be supervised and maintained. Cork Airport has a fine reputation and remains at the top of the competitiveness chart in the air travel market, but to ensure that position is maintained, it does not need to labour under a financial millstone.

There will be a transitional period for the Shannon stopover during discussions on an open skies agreement between the EU and the US and there are clear advantages for Dublin Airport in such an arrangement. It must be ensured, therefore, that a progressive airport such as Cork emerges from its period of reconstruction debt free so that it can compete with Dublin and Shannon airports immediately. A share of the transatlantic market enjoyed equally by these airports is not an unrealistic or selfish aim for Cork Airport. As a member of the airport consultative group, it is my ambition that this should happen reasonably quickly.

The Governments would like the three airports to operate effectively and to be successful in their own right because this will lead to a more localised or regional roll-out of economic benefits in tourism, trade and industrial development. Autonomous boards such as that governing Cork Airport are designed to give strong local leadership which will enable the airports to equip themselves with new strategies to maximise returns from the ever changing environment of air travel. The State Airports Act 2004 offers new challenges for Cork Airport to reorganise its activities and to maintain progress because it will lead to increased choice for passengers, which in turn will present more opportunities for airport business and airline companies. The national development plan is based on a model that identifies various cities and towns as gateways to regions or particular zones, and Cork Airport is the gateway to the southern region. Its importance to the region cannot be exaggerated.

In the period prior to completion of the Cork and Shannon airport authorities, it is imperative that the group acting as Aer Rianta, namely, the

[Mr. Dennehy.]

Dublin Airport Authority, is not allowed to impose long-term financial conditions which would effectively spangle the new Cork authority. It must be borne in mind that these will be two competing authorities within a very short period. It is a worry to locals that conditions imposed now could jeopardise the future of Cork Airport. It is worth noting that Cork has been voted the best airport for the past four or five years in succession and we must not allow that status to be undermined.

Arguments are taking place in other areas about the future of Cork Airport *vis-à-vis* Dublin, Aer Rianta, the national plan for aviation and so on. However, we must look back a little bit when the first split up of the airports was mooted. The official line at the time is worth repeating, which, I hope, is still the case. A letter from the private secretary at the office of the Minister for Transport reads as follows:

It is envisaged that the two new independent airport authorities for Shannon and Cork will both commence business free of debt and that the debts associated with these airports, including the debt associated with the major new investment programme currently underway at Cork Airport, will remain with Dublin Airport.

It also states:

The Minister is also giving detailed consideration to the implications for Dublin Airport of absorbing the debt of Shannon and Cork as currently envisaged. . .

Aside from a debt-free start, which of course in itself will be a major boost for the new Cork enterprise, the funding of future developments at each of the three airports will be a matter for commercial consideration by the new independent airport authorities.

I do not wish to get into another argument about this matter. I am concerned that for commercial and other reasons the people who have their hand in the till at the moment, namely, the Dublin Airport Authority, may be inclined to impose a situation that could distort the commercial future for both airports. This should not happen because, if there is a policy, it should be adhered to.

It is obvious that the existing Irish Aviation Authority would have to alter some of its current practice to fit in with the changing nature of air traffic management, including compliance with a new European air traffic flow management system. The new air traffic control building which is currently being constructed on the western side of the airfield in Cork will be equipped with the latest technology. This will enable it to comply with any regulation of air traffic management. I express my ignorance of the technical aspects of this, but I am sure we can comply with any new requirements.

The current Government policy is aimed at safeguarding the integrity of Irish airspace, which includes utilising the airspace to maximum commercial advantage in a safe and effective fashion. I take Deputy Crowe's point that we need to maximise the benefits of it. As one of my broadcaster friends, Mr. Tom MacSweeney of RTE, said, "We are an island race", therefore, we must recognise the importance of aviation and utilise it for commercial and passenger use.

Under the Bill, it is essential to put in place standards from which any company cannot deviate. Commercial requirements must not be allowed to dictate the agenda, especially where safety is concerned. Other people referred to this aspect. We are hearing from the professionals involved that safety could be compromised because of some new efforts to make more and more money.

The passage of the Bill will allow the Irish Aviation Authority to prepare, with confidence, for the expected further growth in air traffic volumes. It will have an obvious impact on issues such as safety, security, the environment and the entire air travel community. Air traffic is increasing, and will continue to do so. As Deputy Crowe said, it is important that the link between huge commercial development and the public is maintained. There is huge commercial development, thank God, which I expect to continue. As a result, there will be greater use of air transport, for which we must budget and plan. Ireland has a significant role to play in this co-operative arrangement, whether in the area of extending practices that would lead to better collective safety or the more mundane but important matter of collecting control charges and taxes. While the new Act would not compromise our airspace or defence strategies, it would help establish a framework for the so-called single European sky policy as well as international co-operation in aviation matters. Less bureaucracy and more pan-European compliance would help to streamline traffic management and, ultimately, combat the dreaded delays to which we can all relate. This, in turn, would help reduce the 350,000 flight hours wasted each year, the benefits of which will be clear for all to see. We all have concerns in that area which we may not always understand. Mismanagement, difficulties with air control, conflicting objectives of airlines and airports and the competition between them comes into play in this regard. There needs to be a set of standards and guidelines.

The Bill will provide for greater access to inspection. Deputy Crowe referred to seizing papers and so on, but many people have been concerned about the present situation in regard to inspections at Shannon. I am sure anything that will improve this situation will be welcomed.

While I will not say people have been lackadaisical, the energy has not been shown to deal speedily enough with the rapid increase in air travel. I am not talking about just Ireland, but

European-wide. People are competing for their own space, and there is only so much airspace available. European airspace is said to be the busiest in the world. There are particular patches within this airspace that are extremely congested and need to be monitored carefully. It will be too late to do so when an accident happens. Given the capacity numbers on larger airplanes, if anything goes wrong, it will lead to a horrific situation.

A number of Deputies referred to civilian and military use of airplanes. I am sure this question will be answered by the Minister in his closing statement. The issue that appeared to grab most attention up to now was the leasing of aircraft and the possible seizure and detention of them. The Minister of State, Deputy Gallagher, said that it was not intended to deal with that issue in the Bill, even though all those concerned were listened to. I am sure the Minister will also comment on this aspect.

I am pleased to have had an opportunity to contribute to the Bill. I do not mind being parochial, because I am speaking about a national airport which has been voted the best in the country for years. It earned that title. The staff worked hard, dealing with passengers in a humane and business-like manner and everyone made an effort. We cannot allow a situation to be created artificially whereby this effort is spenceled. I look forward to fighting the case for Cork and my constituents.

Mr. Durkan: I am pleased to have an opportunity to say a few words on this legislation. I hope the title of the Bill does not have any more connotations other than to improve the situation. When I hear about eurocontrol I envisage bureaucratic centralised control, for which our modern society has become very famous. As someone who believes in some kind of latitude, I am always worried about this aspect.

I refer to an issue which I hope the legislation will address. This relates to how planes must remain on the tarmac at Dublin Airport for up to two hours awaiting a landing slot in another European airport or verification of a flight plan.

Debate adjourned.

Business of Dáil.

Minister for Education and Science (Ms Hanafin): I wish to make a change to the Order of Business. It is proposed that, notwithstanding anything in Standing Orders or the order of the Dáil of this day, Second

1 o'clock

and Subsequent Stages of No. 2, University College Galway (Amendment) Bill 2005 [*Seanad*] shall be taken now, and the following arrangements shall apply. The proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after two hours; the opening speech of a Minister or Minister of State and of the main spokespersons of the Fine Gael

Party, the Labour Party and the Technical Group, which shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other Member called upon shall not exceed ten minutes in each case; Members may share time; the Minister or Minister of State may be called upon to make a speech in reply, which shall not exceed five minutes; the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. today by one question which shall be put down from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Education and Science.

Acting Chairman: Is that agreed?

Aengus Ó Snodaigh: No. I object to the change to the Order of Business. I was happy enough to go along with Second Stage being taken today. My objection is based on the imposition of a guillotine that does not allow adequate time to deal with the amendments before us. This is a substantial issue that must be dealt with. I understand there is a rush but that does not take away from the need for a proper debate of the matter.

Mr. Stagg: All the other parties have agreed to the changes proposed by the Minister.

Question put: "That the proposal for dealing with No. 2, University College Galway (Amendment) Bill 2005 [*Seanad*], be agreed to."

Aengus Ó Snodaigh: Vótáil.

An Ceann Comhairle: Will the Deputies claiming a division please rise?

Deputies Cowley, Gregory, Joe Higgins, Finian McGrath, Ó Caoláin, Ó Snodaigh, Crowe and Ferris rose.

An Ceann Comhairle: As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 68 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

University College Galway (Amendment) Bill 2005 [*Seanad*]: Second Stage.

Minister for Education and Science (Ms Hanafin): I move: "That the Bill be now read a Second Time."

I am pleased to bring this Bill to the House, Bille tábhachtach don choláiste agus don Ghaeilge. Athríonn an Bille seo Acht atá ann ó 1929. Ins an Acht sin, there was a requirement to appoint candidates competent in the Irish language to offices or positions in the university. The Bill replaces this requirement with an obligation to ensure that the strategic development plan of

[Ms Hanafin.]

the university contains a provision for the delivery of education through the Irish language. The president and the governing authority of the university are obliged under this provision to ensure that this aim is implemented.

The existing legislative obligation on the university to give preference to candidates who have demonstrated competency in the Irish language has no modern relevance in either promoting the Irish language or in supporting a modern university to build excellence in teaching and research across the full range of academic disciplines.

As Deputies appreciate, the role of universities in the modern knowledge age has transformed quite dramatically from the period in which the existing legislation was prepared back in the late 1920s. Our universities are now central to our future social and economic progress. We require each of our higher education institutions to develop the capacity to meet our national innovation and skills needs in a dynamic global environment. In doing this, our universities are required to compete nationally and internationally for access to research funding and strive for constant quality improvement as they look to build internationally recognised strength in key areas of research and teaching.

The Government is supporting them in this. At the end of 2005, we announced a €1.2 billion investment in higher education over the next five years. The aim is to support our institutions in producing high quality skilled graduates at third level and cutting edge research and development at fourth level. These will be the essential foundations for Ireland's continuing social and economic progress in the 21st century. The money to which I refer is in addition to the core funding also given each year which exceeds €1 billion.

Knowledge is international and intellectual capital is highly mobile in nature. The quality of higher education in Ireland is now measured against the highest standards across the world. In competing internationally, it is counter-productive in the extreme to place limitations on the ability of one of our key institutions to attract the best available international research or teaching talent.

It is in that context the requirements set down by the 1929 Act are no longer relevant. They represent an outdated and unfair impediment on NUI Galway in seeking to develop international standard excellence in research and teaching. If NUI Galway is to develop to its full potential in the 21st century knowledge era, it needs to be free to attract and appoint the best academics and researchers.

The Bill presented today has been prepared in close consultation with my colleague, the Minister for Community, Rural and Gaeltacht Affairs. The proposed amendment will replace the original provision with a commitment that the university, in its strategic development plan, will include in its statement of objectives and priorities a com-

mitment to the provision of university education through the Irish language. This ensures the language will retain its core role at the centre of NUIG's educational mission while ensuring that NUIG is also free to realise its full potential in contributing to national economic and social development.

The commitment of the academic community, president and governing authority of NUIG to the Irish language remains as strong as ever. The university is rightly proud of its historic organisational commitment to the promotion of the language. That continuing commitment is reflected in its current five year strategic plan up to 2008 and is growing stronger as the university seeks to develop new structures and approaches to support the sustainable development of Irish medium teaching and research activities. The development of Acadamh na hOllscolaíochta Gaeilge, a centre where Irish will be the medium of instruction, and the activities of the University education centres in the Gaeltacht Árus Uí Chadhain in An Ceathrú Rua, Áras Shorcha Ní Ghuairim in Carna and Ionad na hOllscoile in Gaoth Dobhair are evidence of this.

The university is also strategically committed to supporting teaching in Irish, to introducing incentives for staff to produce quality academic material in the Irish language and to supporting a bilingual communication culture on campus. The legislation before the House will underpin these strategic commitments.

This Bill is also brought forward against a wider background of legislative commitment to the Irish language. The Official Languages Act provides a strong statutory framework for the delivery of services through the Irish language across the public sector. The provisions of the Act cover all third level institutions. This requires correspondence to be responded to in the language in which it was written, information to be provided to the public in the Irish language as well as the bilingual publication of certain key documents. NUI Galway has a draft scheme in place indicating its plans for the implementation of the Act, complementing the programme of commitments set out in its strategic plan.

The Government will continue to support NUI Galway and all of our other higher education institutions in fulfilling their responsibilities and commitments to the Irish language. In that context, my Department and the Department of Community, Rural and Gaeltacht Affairs are committed to working together to progress the development of national policy on the development of third level education through Irish, building on the recommendations of a recent inter-agency working group on this subject.

NUI Galway will strongly welcome this legislation. It reflects the unique historical commitment of the College to the promotion of the language while providing it with the necessary freedom to compete successfully in the national and international recruitment markets. It is an

important modernising Bill for NUI Galway. It underlines the strong commitment of the college to the promotion of our native language and reflects the progressive position of the language in the wider legislative and public policy context.

Ní thogfainn an Bille seo ós comhair an Tí dá mba rud é gur cheap mé nach mbeadh NUIG chomh láidir is a bhí ariamh ar son na Gaeilge agus ar son an teanga a chur chun cinn san ollscoil agus sa tsochaí mórthimpeall. Ó 1929 ar aghaidh, níos luaithe, agus ó shin, tá an-chuid oibre déanta ag an gcoláiste. Creideann siad go láidir sa Ghaeilge, agus tá mé féin, mar Aire, mo Roinn agus an HEA lán-sásta cabhair a thabhairt dóibh agus do na hinstiúidí eile leanúint ar aghaidh le tacaíocht a thabhairt don Ghaeilge agus féachaint chuige go gcomhlíonann siad a ndualgais dár dteanga dhúchais agus náisiúnta.

Aithníim ag an am céanna go bhfuil athruithe tar éis teacht sna hinstiúidí tríd leibhéal agus sa chóras oideachais sa tír seo, ós rud é go bhfuilimid níos idirnáisiúnta ná mar a bhí ariamh. Má táimid chun bheith i measc na gcoláistí den scoth ar domhan — sa chéad trian de na coláistí — caithfidimid daoine den scoth a mhealladh go dtí an tír seo chun múineadh agus taighde a dhéanamh. Téimid amach go dtí an tSín agus an Ind agus beimid á rá leo go bhfuil an t-oideachas in Éirinn níos fearr nó chomh maith le hoideachas atá ar fáil in aon áit eile.

Tá bac ar Ollscoil na Gaillimhe faoi láthair sa tslí nach féidir leis daoine den scoth — b'fhéidir, an duine is fearr — a mhealladh go dtí an coláiste ós rud é go bhfuil air an duine is fearr a bhfuil Gaeilge aige a fhostú. Níor mhaith liom go mbeadh an bac sin ar choláiste ar bith, ach go háirithe ar NUIG, atá ag iarraidh níos mó a dhéanamh ó thaobh taighde agus múinte de. Ag an am céanna, áfach, aithníim go bhfuil daoine buartha faoin nGaeilge sa choláiste agus go laghdófar an méid a dhéantar ar son na Gaeilge.

Ní tharlóidh sé sin, mar tá mé lán-sásta ón méid atá ráite ag an uachtarán agus an gcoláiste. Tá sé scríofa acu sa phlean straitéise atá leagtha amach ag an gcoláiste gur ceann de na príomhaidhmeanna atá acu ná an Ghaeilge a fhorbairt agus a chur chun cinn sa choláiste agus lasmuigh. Mar sin, tá mé sásta an leasú seo a thógaint ós comhair an Tí. Ní thógfainn é muna mbeinn sásta go mbeidh siad in ann leanúint ar aghaidh le taighde agus múinteoireacht den scoth, mar a dhéanadh an coláiste i gcónaí. Beidh siad in ann daoine a mhealladh ón taobh amuigh agus ón iarthar agus, ag an am céanna, a ndualgais a chomhlíonadh ar son na Gaeilge. Molaim an Bille don Teach.

Ms Enright: I wish to share time with Deputy McCormack. In her speech to the Seanad on 14 December 2005, the Minister for Education and Science, Deputy Hanafin, stated that it was her belief that the provision of the University College Galway Act 1929, which gives preference in staff appointments to persons with a competency in the Irish language, was no longer the best instru-

ment for the promotion and preservation of the Irish language.

It was clear from her address that, although the provision of the 1929 Act was considered appropriate at that time, a reform of the legislation is necessary today. The Minister appreciates that, when regulations devised in a different time are seen no longer to work, we should change them.

It is correct that outdated policies should be reformed. The amending legislation we are debating this afternoon removes from the National University of Ireland Galway, NUI Galway, the requirement to appoint persons competent to discharge their duties through the medium of Irish. Instead, it will put a new onus on NUI Galway to ensure that the provision of education through the medium of Irish will be part and parcel of every strategic plan devised for the college after the passing of this Act.

It also ensures that the governing body and the president of the college shall use their positions to ensure that this plan is implemented. This is very welcome. In terms of support for Irish, it will be of more practical use to the language to form part of each strategic plan for NUI Galway. This is not achieved under section 3 of the Act of 1929, under which the responsibilities of the college with respect to the Irish language begin and end with staff appointment.

I am somewhat perplexed by the Minister's wholehearted approval for this legislative change, which reforms an out-of-date regulation that no longer works, and introduces an element of choice in hiring policy which the college has lacked since 1929. The Minister, in endorsing this amending legislation, backs the right of the college and its governing body to use their strategic plans to support the Irish language in the most effective way possible, and to change their approach when change is needed. In short, she is endorsing the principle of choice and I welcome her conversion to that principle.

When the leader of Fine Gael, Deputy Kenny, recently advocated that the principle of choice should be introduced in respect of Irish at second level for all students after the junior certificate, the Minister described the proposal as an opportunistic attack which smacked of auction politics. It is not good enough that the Minister for Education and Science should show such disregard for the educational welfare of our second level school children. This Minister has ignored the trends that all available educational data repeatedly show of school performance in Irish. Instead of acknowledging that there is a problem that can no longer be ignored when this matter was raised in November the Minister responded by attempting to shoot the messenger.

The Minister for Education and Science, the person responsible for the educational welfare of all children and young people in this State, should deal with all of the facts. No alternative proposals have been brought forward for the Irish language at this level. We must acknowledge the facts.

[Ms Enright.]

Students leave school without a reasonable command of Irish even though they have received up to 1,500 hours of tuition in the language. The Irish language commissioner highlighted this in his recent inaugural report. Only three out of ten leaving certificate students attempt the honours Irish paper. This is far below the figures for other languages taught to this level. Almost five out of ten students taking French attempt the honours paper and six out of ten students of German and English take the higher level paper. Young people perform better at a language such as French that they have studied for only five or six years than in Irish which they have studied for 13 or 14 years.

Thousands of leaving certificate students do not even bother to sit the Irish language examination although they have been learning the language since they were young children. Despite the heavy-handed approach to compulsory Irish sustained over decades there is such a lack of fluency in the language among employees in the public sector that the Irish language commissioner has expressed concern. Although more than 1.5 million Irish people describe themselves as Irish speaking only 72,000 adults use the language daily. The use of Irish plummets when people leave school. Of the 339,541 who state they use the language daily 266,707 are between the ages of three and 19, the key schoolgoing years during which Irish is used every day in the classroom.

Among 20 to 24 year olds, who are just out of school, the figure for daily use of Irish plummets to 9,111 people. For no age group thereafter does it exceed 15,000.

The use of Irish in the Gaeltacht is also of concern. Between the census of 1996 and that of 2002, the number of Irish-speakers living in Gaeltacht areas using Irish daily dropped from 58% to 54%. The number of Irish speakers living in Gaeltacht areas using the language less often than daily, weekly or not at all increased by 2% in that time. In the Mayo Gaeltacht, of the 2,482 persons over the age of three using Irish daily, 1,275 are aged 19 or under — once again the key schoolgoing years. Comparing the 15 to 19 age bracket with the 20 to 24 one, daily use of Irish plummets by 84%, from 352 to 57. I have compiled these statistics from reports published by the Department of Education and Science itself and the Central Statistics Office.

It is time to open our eyes to the real situation in which Irish finds itself throughout the country. The trends that we see in comparing results from the census of 1996 with that of 2002, and in looking at leaving certificate results data for 1996, 1998, 2000, 2002 and 2004, are deeply worrying and point to a decline in language use that will prove fatal if left unchallenged. The response from the Government hitherto has been to give itself a congratulatory pat on the back with regard to achieving official language status for Irish in the European Union without acknowledging the

real actions that should be prioritised now in our education system.

I wholeheartedly welcome official status, but it is of vital importance that we now see the introduction of real reforms that will result in more people using the language. In bringing forward the University College Galway (Amendment) Bill, the Minister has acknowledged that reform is needed. However, I would like to see the Minister move to reform the language at second level too and introduce choice regarding Irish for all students after they have completed the junior certificate examination. By contrast, in the University College Galway (Amendment) Bill 2005, the Government is proposing a reasonable amendment to legislation dating from the 1920s, now clearly out of date. The new Bill allows NUI Galway to use its sense and experience to promote education through Irish in the best way possible. The new Bill allows NUI Galway to alter strategic plans over time, to respond to need and demand, and to assess where strategies are working and, importantly, where they are not.

In short, the new Bill gives NUI Galway the autonomy and choice that it needs and that Irish needs to develop organically through use and learning. From an educational perspective, that is vital. It is also of paramount importance that all universities, NUI Galway included, be able to recruit the best qualified personnel available in all spheres of education, from the arts and social sciences to science and technology. As our universities compete on an international stage, not only for research and development moneys but also for lecturing and research staff, NUI Galway must be able to recruit from overseas those people who can contribute to the successes of the college in teaching, research and academic life. Recruiting academic staff on the international stage is a fact of life, and the amending legislation allows NUI Galway to compete on a more equal footing with other academic institutions in Ireland and, as is now paramount, overseas.

NUI Galway must be enabled to recruit the best people to work at the Galway city campus and its outreach centres. Like all universities, NUI Galway has a regional, national and international dimension to its work, and must be allowed to fulfil its true potential in each respect. This amending legislation has the support of the president of NUI Galway and the governing authority of the university. Concern has been expressed in some quarters about the precise wording selected by the Minister in advancing the necessary legislative reform. I am of the opinion that, by allowing the college to include Irish as part of every successive strategic report, this amendment is beneficial to both the language and the college, but I would welcome clarification from the Minister on how the wording was devised.

In her closing contribution to the Seanad in December, the Minister for Education and Science stated that the University College

Galway (Amendment) Bill “represents a significant step forward in modernising our education system while demonstrating an ongoing commitment to the development of education through Irish”. I welcome her statement and the principles that underpin this Bill, but I ask that she spread them throughout the entire education sector. I congratulate everyone at NUI Galway on their enormous achievements to date in creating a fine, dynamic university with a diverse range of disciplines, even with outdated legislation such as they have had to deal with. I know that they will continue to recognise the importance of our national language and ensure through strategic plans that it is no longer just another entry requirement for staff but an integral part of life and learning at NUI Galway.

Mr. McCormack: Tacaíonn Fine Gael leis an Bhille seo. Tá leasú amháin curtha síos againn chun stádas na Gaeilge a neartú san ollscoil. Tá súil agam go nglacfaidh an tAire le leasú Fhine Gael.

I welcome the Bill. I know from the Minister's contribution that it has been presented in close consultation with her colleague, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, Teachta eile as Gaillimh Thiar. I understand that he was a reluctant traveller regarding the Bill, but if it is good enough for an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta, it is good enough for me. From that perspective, we have no difficulty in supporting the Bill.

However, we have tabled an amendment that we feel would strengthen the legislation. It would add to the Bill's aims by inserting additional text after page 3, line 18. We suggest that it would complement and strengthen the Bill's intent. From that perspective, we hope and presume that the Minister will have no difficulty in accepting it. Our amendment reads as follows.

In page 3, line 18, after “language.” to insert the following:

“It shall be amongst the principal strategic aims of the National University of Ireland, Galway to provide leadership in the provision of University education through the medium of Irish, both in the provision of a wide range of academic courses through the medium of Irish and in the creation of a functional bilingual communication culture within the system and the management and administrative practices of the University. Accordingly, it shall be the duty of Údarás na hOllscoile and the President of the National University of Ireland, Galway to frame and to implement policies, regulations, rules, provisions and practices for the purpose of fulfilling the aforementioned strategic linguistic aim.”.

That amendment was tabled by Deputy McGinley, our spokesman on Gaeltacht affairs, and me, a local representative. I presume the

Minister will have no difficulty with it since it is only to strengthen what the Minister is trying to achieve in the Bill.

I note that the Minister has stated that she worked in close consultation with an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta, an Teachta Ó Cuív, in framing this Bill, which creates the principle of choice in hiring the necessary personnel. However, when ceannaire Fhine Gael, Deputy Kenny, reasonably proposed that there be a principle of choice in Irish at leaving certificate level, the Minister for Community, Rural and Gaeltacht Affairs was not too happy and castigated our leader for daring even to suggest that there be a principle of choice at that level. That does not coincide with what the Minister for Education and Science, Ms Hanafin, is doing now.

Ms Hanafin: One is third level and the other second. They are very different.

Mr. McCormack: The Minister castigated our leader in that regard, but it does not chime with the actions of the Minister for Education and Science who now says that the Bill was prepared in close co-operation with her colleague, the same Minister, Deputy Ó Cuív.

However, having said that, NUI Galway, formerly University College Galway, has a proud history. We in Galway are very proud of our college's achievements and the great work it does in all educational fields and in promoting Irish.

Mr. McGinley: If we did this, would it be acceptable to them?

Mr. McCormack: That is what we do not know.

Ms Hanafin: We would accept it if NUI Galway had requested it.

Mr. McGinley: Sin ceist eile.

Mr. McCormack: What Deputy McGinley is saying is true. If this side of the House were in Government and presented such a Bill, I could imagine how much those on the Opposition benches would be jumping up and down, so to speak.

Ms Hanafin: This came from NUIG, not the Government.

Mr. McGinley: The Minister watered down the first amendment.

Ms Hanafin: Would the Deputy like to take Committee Stage now?

Mr. McCormack: No. We will proceed the way we are going and take the amendments when we have the opportunity of taking them.

Aengus Ó Snodaigh: The Deputy will not get a chance with 35 amendments.

Mr. McCormack: The Minister stated she is confident NUI Galway will strongly welcome this legislation as it reflects the unique historical commitment of the college to the promotion of the language by providing it with the necessary freedoms to successfully compete in national and international recruitment markets. She stated this Bill is important modernising legislation for NUI Galway which underlines the strong commitment of the college to the promotion of the language and reflects the progressive position of language in the wider legislative and public policy context. These sentiments are reflected in our amendments so I presume the Minister will have no difficulty in accepting them just as we have no difficulty in accepting the principles of this Bill.

Ms O'Sullivan: I wish to share time with Deputy Michael D. Higgins.

Ar son Pháirtí an Lucht Oibre, tá áthas orm an Bille seo a phlé. Caithfear NUIG a mholadh, toisc go mbíonn an caighdeán acadúil thar barr i gcónaí. Chomh maith leis sin, tá an ollscoil ábalta oideachas a chur ar fáil trí mheán na Gaeilge, agus tá NUIG in ann cultúr dátheangach a chur chun cinn i ngach gné den saol san ollscoil. Tá sé fíor, áfach, go gcaithfear an reachtaíocht a athrú ionas gur féidir leis an ollscoil dul ar aghaidh leis na haidhmeanna atá aici sa lá atá inniú ann. Mar sin, cuirimid fáilte roimh an Bhille, ach beimid ag lorg leasuithe áirithe ionas gur féidir linn an gealltanas don teanga a shoiléiriú sa Bhille.

The Labour Party welcomes the fact that the Bill is being taken and we do not wish to delay its passage in any way. I commend NUIG for its excellence in the promotion and practice of the Irish language. I might take issue in a small way with the Minister regarding her presentation of the argument even though I agree with what she hopes to achieve. This is a practical response to a genuine problem that has arisen for NUIG in a world that has changed radically since the establishment of the university and since the original Bill was passed. The Minister's presentation was somewhat utilitarian in terms of the work of a university, the relevance of the Irish language and the bilingual nature of NUIG. I cite my colleague, Deputy Higgins, to demonstrate that it is not difficult to have a fine academic ability and also to be fluent in the Irish language. I would not overestimate the difficulty this issue has caused. However, I acknowledge there have been legal and practical difficulties in recruiting appropriate people for the university in a changing global environment.

The Labour Party's amendments propose to strengthen the wording of the Bill because it could be open to differing interpretation. I agree with earlier speakers that the president and the governing body of the university are very committed to the role of the Irish language in the college. The proposed wording could be interpreted in a less forceful way than it is being interpreted by the current NUIG administration. I am

pleased the Minister has accepted one of our amendments by putting down a similar amendment to ensure the university strategic development plan should show a strong commitment to the use of Irish throughout the university.

I agree with some of Deputy Enright's arguments that Irish needs to be a living language for the country and that we as legislators must do our utmost to strengthen the use of the Irish language. I share her concern about the decline in its use in Gaeltacht areas. There is a need for a radical alteration of the curriculum and the methods of examination used in schools to allow for more emphasis on the spoken language. This could then be rewarded with reference to leaving certificate points because that drives the way in which any subject is studied and it holds true for all languages on the curriculum. There are broader issues relating to the Irish language which need to be debated and I welcome Fine Gael's raising of that issue for debate even though the Labour Party emphasis on some aspects is somewhat different. This Bill is a small change for NUIG and I recommend we assist the Minister in bringing the Bill through the House as quickly as possible.

I would like to see our amendments adopted because they would strengthen the proposal. I have spoken with the president of the university and others in NUIG and I recommend the university be facilitated in this regard.

Mr. M. Higgins: Is mian liom cúpla focal a rá ar an reachtaíocht seo. Níl éinne i gcoinne an athraithe bhunúsaigh atá ag tarlú sa reachtaíocht. Is é an rud atá á dhéanamh ná aon seans a sheachaint go gcuirfí i leith an choláiste — nó na hollscoile, mar atá sé faoi láthair — go raibh sé ag baint mí-úsáid as an nGaeilge i leith ceapachán do phoist éagsúla sa choláiste féin.

I wish to declare an interest. I have an honorary adjunct professorship at University College Galway that is non-remunerated and I taught on the staff of the university from the end of the 1960s. It would be acknowledged that the standard of scholarship, be it in the humanities or in the sciences, was never lessened by the fact that people were able to practice their scholarship and teach through the medium of Irish. This is true whether one is talking about history, physics, maths physics or the biological sciences. I welcome the removal of any suggestion that misuse would be made of the Irish language requirement, for example, that one would have to find candidates unsuitable in order to be able to appoint a candidate to a post — a candidate who might, for example, have been the first choice in a particular applied subject.

In listening to the Minister I agree with my colleague, Deputy O'Sullivan, when she refers to this utilitarian emphasis which is current. I value university teaching and I regret what is happening in so many of our universities, in the destruction of an ethos of scholarly reflection, the destruction

of the capacity for maturation among students, the needless stress, the packaging of information and the substitution of information pushing within what is called a knowledge economy as a substitute for the requirements of the creative society. The creative society and scholarship and the university ethos make possible the myriad forms of the knowledge economy. If the universities and the creative capacity of society is reduced to the requirements of the knowledge economy at one moment in time, one is creating obsolescence and a stultifying kind of intelligence that is the substitute for either knowledge or wisdom.

Maidir leis an reachtaíocht féin agus an rud atá ag tarlú, tá daoine ar aon intinn faoin leasú bunúsach, is é sin, na coinníollacha a bhaineann le ceapacháin do phoist a athrú. Tá difríochtaí ann, agus tá siad ag tarlú toisc gur féidir dhá léamh a dhéanamh ar an Alt atá á chur in áit an chinn atá á bhaint de. Mar shampla, nuair a bhí cruinniú de choiste rialaithe na hollscoile cúpla bliain ó shin, bhí dréacht acu, agus ar an gcéad dul síos leag siad béim air go mbeadh cúrsaí leathana ar fáil agus réim chumarsáide ann ina mbeadh daoine in ann a ngnó a dhéanamh ar bhunús dátheangach ar a laghad. An rud atá tábhachtach ag an bpointe seo ná, ar an gcéad dul síos, nach mbeadh sé mar ghnáthaidhm ag an ollscoil ach mar phríomhaidhm aici go gcuirfí an Ghaeilge chun cinn. Ghlac an tAire leis sin. An darna ceann ná go mbeadh sé intuigthe go mbeadh cúrsaí ar fáil in ábhair éagsúla i réim a bheadh cuíosach leathan.

An tríú ceann ná go bhfuil difríocht eadrainn maidir le tábhacht an Achta teanga. Má táthar ag iarraidh go mbeadh an Ghaeilge ann ar bhunús dátheangach, caithfear daoine a spreagadh é sin a bhaint amach. Ní bheadh sí ann dá mbeadh sí á brú ar dhaoine ar chor ar bith. Ní féidir bheith ag brath ar an Acht teanga, toisc go bhfuil an tAcht lag sa mhéid seo. Tá siadsan ag caint ar scéimeanna a chur ar aghaidh, ach tá sé scríofa síos i gcló san Acht céanna gur feidir le hinstiúid ar bith an oibleagáid atá uirthi a athrú. It is not copper-fastened in the Official Languages Act because the institution may seek to have itself removed from the obligation to promote the Irish language.

None of us wants the Irish language to be abused in such a way as to create a fictional situation in which one would not be able to hire the best candidate. However, I see nothing wrong with those who have international scholarship using the Irish language. It is a reasonable expectation that courses would be available through Irish across a wide spectrum of subjects. It is not unreasonable to create an ethos of encouragement for a bilingual culture of communication. I cannot see why there would be a difficulty about any of these issues.

For nearly 30 years I taught, in one capacity or another, at what was UCG and is now the National University of Ireland, Galway. I have seen what is being allocated for the universities

and have heard it said that universities must compete with each other. There is world class scholarship in old Irish and Hiberno-Latin, and in the history of scholarship people have combined physics and mathematics in various computations. People who organise international gatherings of scholars on such topics are asked to make them more glamorous. I know that for a fact.

In discussing world scholarship, however, we are not talking about organising celebrity events. It distressed me very much to hear that the Science Foundation Ireland did not view favourably scholarship of the kind to which I have referred. I am not imputing these views to the Minister but it is important for us, when discussing universities, to retain their ethos. We are getting to the point, however, where if one advertises internationally to offer a university education without cramming, stress, pressure or the artificial construction of subjects, one would be inundated with applications from all over the world. There are such things as university teaching, the maturation of students and the combination of colleagues. Professors who are leading research projects need to have the capacity to construct teams around them without this neo-utilitarian vulgarity and Philistinism, which is wrecking the Irish university system.

As regards the Bill, I look forward, as do my colleagues, to the removal of any suggestion that the university would be abusing the filter of the Irish language. Let us remember, however, that in the history of University College Galway, there were times when the university was nearly wound up. It kept going on the basis that it used its commitment to the Irish language to secure funding and a continued existence.

It would be ridiculous if people tried to suggest that we are divided on the issue of a commitment to the Irish language. The issue in the amendment is to make it dearfach and strong so that there is no possibility of ambiguity, and that we are making a genuine commitment. Is féidir linn glacadh le cuid de na leasuithe lena chinntiú sin. Bheimis ar aon intinn faoin reachtaíocht seo.

Mr. McHugh: I wish to share time with Deputies Gogarty and Ó Snodaigh.

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

Mr. McHugh: Fáiltím roimh an Bhille seo. The legislation amends the University College Galway Act 1929. The amending legislation will have the effect of removing the requirement to appoint candidates competent in the Irish language to positions in the university. It replaces that requirement with an obligation to ensure that the university's development plan contains a provision for the delivery of education through the Irish language.

Perhaps it was appropriate, in 1929, for a university located in the historic city of Galway

[Mr. McHugh.]

which was at that time surrounded by a fluent Irish-speaking population, that a provision be incorporated into the legislation as follows:

It should be the duty of the senate of the National University of Ireland, the governing body of the college, or the president of the college, when making an appointment to any office or situation in the college, to appoint to such office or situation a person who is competent to discharge the duties thereof through the medium of the Irish language, provided a person so competent and also suitable in all other respects is to be found amongst the persons who are candidates or otherwise available for appointment.

Attempts have been made by Fine Gael to link, in some way, the amendment of that section with the new Irish language policy of that party. There is no connection whatsoever. When recruiting staff it is appropriate that no restrictions or barriers are placed in the way of recruiting the best person for the particular job. NUI Galway has been very successful in attracting research funding in the areas of science and technology. We have highly qualified researchers in Ireland but periodically it may be desirable or appropriate to attract research personnel from abroad. In this respect, it would fetter NUIG if it were to be constrained by the provisions of the 1929 Act and thereby prevented from recruiting what would be deemed to be the most suitable person at a particular time.

As I am from a household which has two NUIG graduates, I am aware of its record of commitment to the Irish language. The university's track record, programmes and plans convince me that if this amending legislation is passed it will in no way dilute NUIG's commitment to the Irish language.

NUIG has demonstrated its commitment to the Gaeltacht and the Irish language in a practical way by servicing the existing university education centres in An Cheathrú Rua, Carna and Gweedore. If at any time the commitment of NUIG to the Irish language weans, the Official Languages Act will spur it on to live up to its responsibilities. If I had any doubt about NUIG's commitment to the Irish language, I would not support the Bill. I have no doubt about it, however, because the university's record speaks for itself. On Committee Stage we will discuss various amendments that have been tabled, some of which are desirable. We will leave discussion of those to the appropriate time, however.

I wish to place on the record my admiration for the excellent work done by NUIG in all disciplines. The quality of the graduates produced by the university are second to none. The college president, Iognáid Ó Muircheartaigh, who visited us today, and the governing authority deserve our thanks.

Mr. Gogarty: Ar son an Chomhaontais Ghlais, fáiltím roimh an Bhille seo. The Green Party adheres to the principle of the Bill. I have met the college authorities and I support the Bill wholeheartedly. I have tabled an amendment which I believe will strengthen the Irish ethos of the legislation. If this proves to be unacceptable to the Minister, however, I will be happy to proceed on the basis that it is important to get the legislation through as quickly as possible.

The Minister and other speakers noted the need in a modern society to remove the barrier that existed, the built-in requirement to appoint candidates competent in the Irish language. That is welcome if one is trying to build a top-class international university in a globalised economy. I hope the measures in this Bill and the commitment shown by the management of the college will continue the Irish ethos one way or another.

Fine Gael has put forward its big idea on Irish, which is to make it less compulsory. While I was listening to Deputy Enright, I noted this is being pushed by the language reform movement, which is very critical of anything Irish and sees it as totalitarian nationalism. The movement believes that any retention of the Irish language or even Irish studies being taught in schools is not acceptable. I wonder if Fine Gael is going down that road and if it supports the aims and ambitions of the language reform movement in this regard.

Mr. Kenny: That is complete rubbish.

Mr. Gogarty: Fair enough. Deputy Kenny may like to clarify that later.

Mr. Kenny: I am clarifying it now.

Mr. Gogarty: I agree with the point made by Deputy Enright. If one does 11 years of compulsory Irish, one is in generally left with the cúpla focal. Some 38% of people say they can speak Irish, but figures show that only 3% speak it daily or 5% weekly. This indicates an endemic problem with the teaching of Irish in schools. The Green Party does not support any moves to take away the compulsory element of Irish and believes it is an intrinsic part of our culture and national identity. It is important, particularly as we become a more multicultural society, to know where we came from and what we are.

However, it is one thing to publish this Bill to recognise the international context and still try to preserve Irish at third and fourth level, but when the majority of people who speak Irish daily happen to be primary schoolchildren, the majority of adults who speak Irish daily are civil servants and teachers and only a third of people in Gaeltacht areas speak Irish daily, there is a problem. We need a serious root and branch review of how Irish is taught and why a love of Irish is not engendered by the time people reach second level.

At the end of the leaving certificate, my French was of exactly the same standard as my Irish. I got a B in both honours examinations but while I can understand every word the Minister says in Irish, I cannot come up with the parliamentary terms. That is after 11 years of being taught Irish in the system, and everyone else has the same difficulty. If a person's French, German or Spanish is better after half the time spent, we must look at what we are doing in our primary schools to foster a love of Irish and ensure people are in a position to build on the language.

At some stage, the combination of the written and oral is lost to students. That may happen when students leave primary school and are suddenly confronted with a different way of teaching Irish or when they get to second year and start questioning the value of the language. One way or another, whether it involves the value of Irish, the love of it or the mechanisms of teaching it, a problem exists. I ask the Minister, in consultation with the National Council for Curriculum and Assessment, to come up with something new in terms of how Irish is taught. It should be compulsory. It is part of what we are, and I do not mean that as a cliché. If we want people moving on to third level who are proficient in the language, that recognition would do much more to foster the language in a long-term manner than any protective, continuing amendments in this Bill. My colleagues and I support this Bill, but something needs to be done at the basic level.

Aengus Ó Snodaigh: Is trua go bhfuil deifir orainn leis an Bhille seo mar tá a lán ann, in anneoin nach bhfuil ach dhá leathanach i gceist. Taobh thiar de, tá ceist mhór na Gaeilge agus an tslí a bhfuil an Stát ag caitheamh léi ó bunaíodh é. Tá an ceart ag an choláiste agus ag an Aire gur chóir leasú a dhéanamh ar an bhunAcht. Sa bhunAcht sin, tá a lán rudaí eile ar chóir dúinn díriú isteach orthu, áfach. Níl muid ach ag déanamh mionathraithe ar an Acht. Ní Acht rófhada é; níl ach dhá leathanach i gceist anseo ach oiread. Ba chóir go mbeimid ag tógáil an ama atá againn sa Teach seo le déileáil leis an cheist seo i gceart, nach ceist Ollscoil na Gaillimhe í go díreach. Ba cheart dúinn díriú isteach ar cheist na n-ollscoileanna ar fad seachas athrú amháin a dhéanamh anseo agus leanúint ar aghaidh leis an dualgas breise a bhíodh ar Choláiste na hOllscoile i nGaillimh i gcónaí. Ba chóir dúinn an dualgas sin a thabhairt do na hollscoileanna ar fad.

Tá ról mór agus obair iontach déanta ag Coláiste na hOllscoile thar na blianta. Bhí m'athair agus m'aintín ar an choláiste sin agus nuair a d'fhreastail siad ar an ollscoil, dhein siad a gcúrsaí uilig trí mheán na Gaeilge. Ní raibh an deis sin ag na mic léinn sna hollscoileanna anseo i mBaile Átha Cliath. D'fhreastail mé féin ar UCD agus bhí cead agam an scrúdú a dhéanamh as Gaeilge, ach ní raibh na cúrsaí ar fáil i nGaeilge.

Is botún é go bhfuilimid ag deifriú mar ní gá ach féachaint ar an phrácás a bhí ann ar maidin

agus aríst um thráthnóna i leith na leasuithe ar an Bhille um Chomhairle Múinteoireachta. Má tá deifir orainn nó má dhéanaimid iarracht brostú i leith reachtaíochta, déanfaimid botúin. Measaim go mbeimid ag teacht ar ais chuige seo toisc go bhfuil easnaimh ann, agus measann a lán daoine go bhfuil an leasú atá os ár gcomhair ró-lag agus nach bhfuil na fiacla aige a theastaíonn uaidh. Ba chóir go mbeadh sé i bhfad ní ba dhearfaí, agus ba chóir cur leis an méid atá sa Bhille cheana féin seachas aisghairm iomlán ar an chuid sin den reachtaíocht.

Ba é cosaint agus cur chun cinn a bhí i gceist nuair a cuireadh an tAcht le chéile ar dtús, agus ba é Earnán de Blaghd ó Chumann na nGaedhael a dhein é. Anois, is oth liom go bhfuil an páirtí a shíolraigh uaidh ag fáil réidh leis an chosaint sin a rinneadh ag an am. Thuig sé gur gá tacaíocht a bheith ann, crann taca le déanamh cinnte go bhfuil céim in airde ag Gaeilgeoirí, múinteoirí, ollaimh agus ag gach uile leibhéal, ionas go mbeadh ollscoil éigin ar an oileán seo ag tabhairt tús áite don Ghaeilge. Níl sé sin ann. Níl ollscoil le Gaeilge ann, ach tá Coláiste na hOllscoile i nGaillimh ann. Is é an teideal ceart atá uirthi ná Ollscoil na hÉireann, Gaillimh. Is oth liom nach bhfuil an teideal sin ar an Bhille.

Agus muid ag déileáil le leasuithe, chuireamar trí leasú síos in iarracht díriú isteach ar na ceisteanna a bhfuil mé tar éis a ardú. Fuair mé freagra i dtaca le roinnt acu ón Cheann Comhairle: "I regret to inform you that amendments Nos. 6, 7 and 8 tabled by you for Committee Stage of the Bill must be ruled out of order as they are outside the scope of the Bill." Táimid ag déileáil le hollscolaíocht agus dualgais mar gheall ar an Ghaeilge ó thaobh coláiste amháin de. Bhí na trí leasú sin dírithe ar dhéileáil leis na coláistí eile atá faoi scáth Ollscoil na hÉireann agus ligint don Aire rud difriúil ina iomláine a thabhairt isteach ar an Bhille. Tá sé sin athraithe.

Is é an cheist mhór ná cá bhfuil an ollscoil Ghaeilge. Cá bhfuil an plean chun í a chur i réim? Is é an méid a bheadh i gceist ná ollscolaíocht ina iomláine trí mheán na Gaeilge. Níl sé sin ag an Rialtas. Cén fáth?

Ms Hanafin: Ní gá.

Aengus Ó Snodaigh: Is gá, ionas go mbeadh gach uile ábhar ar fáil trí mheán na Gaeilge ina iomláine. Má amharcann an tAire ar an scéim atá curtha os a comhair ag an ollscoil, feicfidh sí nach bhfuil sé i gceist go mbeadh gach uile ábhar ar fáil i nGaeilge, fiú in Ollscoil na hÉireann i nGaillimh. Tá aidhm ann, agus bíonn daoine de shíor ag lorg go mbeadh ollscoil ann a bheadh Gaelach ina iomláine, le luachanna Gaelacha agus gach uile rud a théann leis sin. Bheadh costais ann, ach bíonn costais ann i gcónaí má táthar ag iarraidh athréimiú a dhéanamh ar an teanga nó í a chur chun cinn.

[Aengus Ó Snodaigh.]

I dtaobh an Bhille seo, tá daoine ag féachaint air agus tá siad buartha nach leanfaidh na cosaintí reachtúla a bhí ag an Ghaeilge ó thaobh an Gharda Síochána agus a lán eile — anois ó thaobh earcaíocht postanna in Ollscoil na Gaillimhe — agus go bhfuil an Rialtas ag fail réidh leis na cosaintí sin, diaidh ar ndiaidh. Measaim, seachas a bheith ag fáil réidh leis na cosaintí, gur cheart dúinn a bheith ag cur leo agus ag tabhairt breis éifeacht do Acht na dTeangacha Oifigiúla.

Ní mé amháin atá i gcoinne na slí atá an Rialtas ag déileáil leis an cheist seo. Tá liosta mór fada de dhaoine atá a n-ainmneacha curtha leis na leasuithe a bheidh os ár gcomhair. Tá na Teachtaí eile tar éis é sin a luadh. Tá súil agam go mbeidh an tAire sásta tacú leis na leasuithe atá agam féin nó fiú leis na leasuithe atá ag Teachtaí Fhine Gael. Má táimid chun déileáil leis seo, tá sé tábhachtach go mbeadh breis foirfe agus chosaint ar an Ghaeilge agus go mbeimid níos dearfach maidir leis an dualgas a bheidh ar údarás an choláiste amach anseo. Tá údarás an-mhaith sa choláiste faoi láthair agus tá bainistíocht an-mhaith ann ó thaobh na Gaeilge de, ach cad a bheidh ann i gceann deich mbliana, 20 bliain nó 30 bliain? Caithfidh a bheith cinnte go bhfuilimid ag féachaint ar an todhcháí seachas díreach ar fhadhb bheag atá ann faoi láthair.

Measaim gur fadhb beag atá ann, má creidimid an méid a bhí i *Foinse* le déanaí maidir leis. Dúradh nach bhfuil éifeacht ar bith ag an reachtaíocht atá ann ó 1929 ar an chuid is mó de earcaíocht nó glacadh le hollamh nó léachtóirí ar a leithéad. Measaim go ndúirt 90% dóibh nach gcuireann an reachtaíocht atá ann faoi láthair isteach nó amach ar an earcaíocht sin.

Mr. McGinley: Tá lúcháir orm an deis a bheith agam cúpla focal a rá faoin mBille seo. B'fhéidir go mbeidh tábhacht mhór ag an mBille ar thodhcháí na Gaeilge agus ar chúrsaí ollscolaíochta Ghaeilge sa tír seo sna blianta amach romhainn. Sílim, ó tharla go bhfuil an Bille ag baint le Coláiste na hOllscoile i nGaillimh, go dtabharfaimid aitheantas inniu sa Dáil don obair iontach atá déanta ag an ollscoil le ceithre scór bliain anuas, ó tógadh isteach an tAcht seo i 1929 maidir le hollscolaíocht trí Ghaeilge a chur ar fáil do éinne sa tír seo a raibh suim acu ann nó a raibh éileamh acu ar an tseirbhís sin.

Ba mhaith liom a rá, mar Teachta Dála ó Dhún na nGall is Tír Conaill, go raibh dlúthcheangal i gconaí idir Coláiste na hOllscoile i nGaillimh, mar atá a fhios ag an Teachta Ó hUiginn, agus na daoine atá mise ag déanamh ionadaíochta orthu anseo sa Dáil. Sílim gur ceangal fiúntach agus muintearas agus cairdeas fiúntach a bhí ann. Mar éinne do mo ghlúinse a raibh sé de ádh orthu nó de phribhléid acu freastal ar an ollscoil, nuair a bhí mé i mo mhac léinn meánscoile ba phribhléid mhór é dom a dul go dtí an ollscoil. Bhí Coláiste na hOllscoile i nGaillimh ann i gconaí le fáilte a

chuir rompu agus le hoideachas ceart agus maith a chuir ar fáil dóibh. Tá oideachas iontach bainte amach ag na hiar-scoláirí agus na hiar-chéimithe atá ag déanamh rudaí i go leor réimsí de shaol poiblí na tíre seo. Tá na hiar-chéimithe sin le fáil ar fud na tíre i gcúrsaí dlí, oideachais, innealtóireachta agus scríbhneoireachta. Tá a maitheas ag dul don tseirbhís a chuir an choláiste sin ar fáil.

Ní shílím gur chóir dúinn dearmad a dhéanamh ar bhunaitheoirí an Stáit seo, ar a ndéantar dearmad go minic. Tá daoine sa Teach seo a cheapann go mbaineann an Ghaeilge leo féin amháin, ach ní fíor é sin. Luaigh an Teachta Ó Snodaigh laoch, i mo thuaraim, a rinne sár-obair ar son athbheochan na Gaeilge sa tír seo, Earnán de Blaghd. Tá a chuimhne á ndearmad go mór againn. Ba chóir dúinn cuimhneamh chomh maith ar a chomhleacaí, Risteárd Ua Maolchatha. Ba iad seo na ndaoine a bhí ag iarraidh, le tacaíocht iomlán an chéad Rialtas, tír a thógáil agus institiúidí cosúil leis an Garda Síochána, an Airm agus an Státseirbhís a chur ar bun. Ba é an dearcadh a bhí acu ná ba chóir go mbeadh oideachas Gaelach mar chroílár de chóras oideachais na tíre seo ar gach leibhéal — ar na leibhéal bunoidiachais, meánoideachais agus na hollscoile. Ar an leibhéal bunoidiachais, bhí ar na múinteoirí a bhí ann ag an am nach raibh an Ghaeilge acu dul go dtí na Gaeltachtaí agus cursaí a dhéanamh, mar a táimid ag moladh inniu.

Rinne Earnán de Blaghd agus na daoine eile rud an-réabhlóideach ar fad sa dara leibhéal. Rinne siad cinnte gur chóir do daoine óga na tíre seo oideachas trí Ghaeilge a fháil. Tá mé ag déanamh tagairt go speisialta ar na sé coláistí ullmhúcháin a cuireadh ar bun. Bhí coláiste do chailíní ar an bhFál Carrach i mo Dháilcheantair fhéin. Bhí coláiste eile i dTuair Mhic Éadaigh i nDáilcheantair mo cheannaire i Maigh Eo. Coláiste geimhridh ab ea Coláiste Ide sa Daingean, as a tháinig uachtaráin na Gaillimhe sna blianta ata thart. Bhí péire dos na coláistí sin do bhuachaillí — Coláiste Éanna i nGaillimh agus coláiste eile i gCorcaigh.

B'fhéidir nach mbeadh mé anseo inniu mar thit mé ar mo cheann nuair a bhí mé i mo bhuachaill óg ag dul ó Dhún na nGall go Corcaigh. Chaith mé ceithre bliana sa choláiste i gCorcaigh. Ba chuma más ón nGaeltacht nó ón nGalltacht thú. Nuair a ghlac tú páirt i gcóras oideachais sna coláistí ullmhúcháin, bhí an Ghaeilge ar do thoil agat mar nach raibh focal Béarla le chloisint sna coláistí ó bhliain go bliain. Níl a fhios agam conas a tharla sé — míorúilt a bhí ann — ach tharla sé. Níl éinne a chuaigh tríd an chóras sin a deireann nár tharla sé. Ba é an toradh a bhí ann dá bharr sin ná go raibh Gaeilge iontach líofach agus flúirseach ag bunmhúinteoirí i ngach scoil i ngach paróiste sa tír. Chuir siad trasna go dtí na daltaí a bhí sna ranganna acu go raibh meas acu ar an Ghaeilge. Is mór an t-athrú atá tagtha ar sin inniu. Tá súil agam go bhfuil an tAire ag éisteacht.

Is cuimhin liom nuair a dúirt saineolaí nó fealsúnaí mór ón taobh céanna den Teach is an tAire i 1961 go raibh ré na gcoláistí ullmhúcháin caite agus nach raibh feidhm leo a thuilleadh. Ní raibh ciall ná céadfaí ag na daoine a chuir deireadh leis na gcoláistí sin. Sílim go bhfuil rian an cinneadh sin le feiceáil inniu i gcúrsaí bhunoideachais na tíre seo. Níl an líofacht, an chaighdeán nó an seasamh céanna ag an Ghaeilge agus a bhí aici nuair a bhí na coláistí ullmhúcháin ann. Chuaigh na scoláirí os na choláistí sin isteach sna coláistí oiliúna chomh maith le daltaí eile nach raibh sna coláistí ullmhúcháin. Bhí sé cosúil leis an gciste is an arán. Thóg siad leibhéal na Gaeilge agus chuaigh siad i bhfeidhm ar na daoine eile a tháinig isteach. Is é sin an fáth go raibh sé chomh maith sin. Tá sé sin imithe. Tá deacrachtaí againn inniu. Táim cinnte — chaith mé go leor blianta sa rang — go bhfuil leibhéal agus caighdeán na Ghaeilge sna bunscoileanna imithe i laghad.

Tá sé mar an gcéanna ag an triú leibhéal. Rinne siad cinnte go raibh an t-oideachas trí Ghaeilge le fáil sna institiúidí triú leibhéal, mar a bhí i nGaillimh. Cuireadh é sin ar fáil. Sílim, chomh fada is atá na gaelscoileanna againn ar fud na tíre, gur comhartha dóchais é sin a mbaineann le bunoidéachas. Caithfidh mé moladh agus aitheantas a thabhairt don obair atá á dhéanamh ag gaelscoileanna agus gaelcholáistí. Nuair a bheidh na scoláirí sin ag dul tríd an chóras sna blianta atá romhainn, sílim go mbeidh éileamh ann i gcomhair oideachais triú leibhéal trí Ghaeilge. Muna bhfuil Coláiste na hOllscoile i nGaillimh agus coláistí triú leibhéal eile chun é sin a chur ar fáil, ní an rith-tríd go mbeifeá ag súil leis, ón mbun go dtí an barr, i gceist.

Nuair a chuala mé go raibh leasú á dhéanamh ar an Acht 1929, sé an chéad rud a tháinig isteach i mo cheann ná gur chúlú agus islú céime eile a bhí ann. Is cuimhin liom nuair a phléigh mé an rud seo le hAire Ghnóthaí Poiblí, Tuaithe agus Gaeltachta, an Teachta Ó Cuív, sa bhialann lá ámháin. Dúirt sé liom go raibh sé seo ag teacht ó na húdaráis i gColáiste na hOllscoile, Gaillimh. Caithfidh mé a rá go ndeachaigh sé sin i gcion orm, mar tá aithne agam ar na húdaráis ansin, agus deirtear liom go bhfuil an t-uachtarán é féin ansin, agus is cinnte go bhfuil a chion déanta aige don Ghaeilge. Tá sé sin déanta ag daoine eile ar an fhoireann, ina measc an Teachta Ó hUiginn, Peadar Mac an Iomaire agus na hollaimh go léir ansin. Is é an rud a chuir inní ormsa ag an am ná nach mbeidh an t-uachtarán atá ann faoi láthair ann faoi cheann 20 bliain — ní déarfadh mé deich mbliana. Ní bheidh mórán againn anseo faoi cheann 20 bliain. Beidh daoine eile ag imeacht freisin. Ba mhaith liomsa go mbeadh rud éigin sa Bhille seo — go mbeadh leasú éigin sa Bhille seo — le nach mbeimid ag brath ar an uachtarán reatha nó an governing board reatha chun stádas na Gaeilge a chosaint. Ba cheart go mbeadh leasú éigin sa Bhille seo a chuirfidh dualgas ar cibé uachtarán atá ann ansin. Is cuma

má thagann sé ón Afraic, ón Astráil, ó Neipeál nó ó thíortha a bhfuil aithne níos fearr ag an Teachta Ó hUiginn orthu ná mar atá agam féin — má bhíonn uachtarán den chineál sin ann, ba cheart go mbeadh an dualgas céanna air i leith na Gaeilge agus atá ann i láthair na huaire. Is é sin an fáth a bhfuil muidne i ndiaidh an leasú seo a chur síos.

Ba mhaith liom moladh a thabhairt don obair — don cheannródaíocht — atá á tabhairt ag Ollscoil na Gaillimhe. Tá acadamh na Gaeilge ar siúl ansin anois, agus tá cursaí speisialta á gcur ar fáil chun cáilíochtaí agus tuiscint a thabhairt do dhaoine maidir leis an Ghaeilge. Beidh gá leis sin san am atá amach romhainn. Tá Acht na dTeangacha Oifigiúla ann, agus tá aitheantas tugtha don Ghaeilge ar leibhéal na hEorpa. Beimid ag cuardach céimithe agus eolaithe a bhfuil eolas domhain acu ar an Ghaeilge, mar aon ar an Ghaeilge scríofa agus ar litríocht na Gaeilge. Sílim go mbeidh ról lárnach ag Coláiste na hOllscoile, Gaillimh san obair thábhachtach seo sna blianta amach romhainn. Tá tosnú déanta cheana féin ag acadamh na Gaeilge. Caithfidh mé a rá chomh maith go bhfuil mé iontach buíoch díobh go bhfuil coláiste satailíte den acadamh sin i mo cheantar i nGaoth Dobhair. Ní amháin go bhfuil sé ag tabhairt oideachais agus cáilíochtaí trí Ghaeilge do na daoine óga atá ag freastal air, ach sílim go bhfuil sé ina bhuntáiste mór don phobal ina bhfuil sé lonnaithe.

Cuirim fáilte le Foras na Gaeilge, atá ag dul go dtí an Ghaeltacht, mar tugann sé sin comhartha do dhaoine profiúsiúnta sna ceantair Ghaeltachta, agus tugann sé aitheantas agus stádas don Ghaeilge san áit ina bhfuil sí. Tá sé ag tarlú i nGaillimh. Tá oifigí ag Roinn na Gaeltachta, Údarás na Gaeltachta, TG4 agus Raidió na Gaeltachta i nGaillimh — níl mé ag maíomh as. Sílim go dtugann sé sin dlús, téagar agus fréamhacha don teanga san áit ina bhfuil siad lonnaithe. Sílim go ndéanfaidh an t-acadamh an rud céanna. Tá sé ar siúl i dTír Chonaill, i Maigh Eo, chomh fada agus is eol dom, agus tá ceann le cur ann i gCiarraí. Nuair a bhí mé ag amharc ar TG4 aréir, chonaic mé go bhfuil plean ailtire ar bhreacadh d'fhoirgneamh iontach d'acadamh na Gaeilge i gCiarraí.

Tá Coláiste Íosagáin i mBaile Bhúirne, an coláiste a raibh mé féin ag freastal air, druidte anois. Sílim go ndearnadh cúpla scannán ann maidir le rudaí a tharla i gcoláistí cónaithe san am atá thart. Bhí pleananna go mbeadh acadamh de chineál éigin ansin leis an Ghaeilge a chur chun cinn. Bíonn ceisteanna síos agam go rialta maidir leis an áit sin. Tá foirgneamh breá ann. Tá sé i gceantar Gaeltachta. Ba chóir go mbainfí úsáid, ní amháin as an bhfoirgneamh, ach as an chultúr is an saibhreas teangan atá sa taobh sin den tír, i nGaeltacht Mhúscraí — i mBaile Bhúirne, i mBéal Átha an Ghaorthaidh, i gCúil Aodha, i mBaile Mhic Íre agus in áiteanna eile sa cheantar. Ba cheart go mbainfí úsáid as. Bhí Seán Ó Riada ann, tá filí ann, tá daonscoil ann — tá go leor

[Mr. McGinley.]

ansin. Tá sé suite i gceantar stairiúil; i gceantar ina bhfuil Gaeilge, cultúr agus oidhreacht na tíre ann. Ba chóir go mbainfí úsáid as. Ceapaim go bhfuil sé ag dul ar aghaidh is ar aghaidh. Tiontaíodh an chéad fhód de roimh an toghchán deireannach i 2002. Rinne an t-iar-Aire, an Teachta Woods, é sin. Tá súil agam go mbeidh níos mó ná an chéad fhód iompaithe ar an fhorbairt sin sula dtagann an chéad toghchán eile.

Bhí inní orm nuair a chuala mé faoin Bhille seo ar dtús, ach tar éis na gcainteanna a bhí agam le mo chomhghleacaithe, le húdaráis an choláiste agus le daoine eile, tá mé sásta seans a ghlacadh. Is dócha go bhfuilimid ag baint an éigeantais amach as. Tá sé amach as achán rud eile go dtí seo. Táimid á dhéanamh sin. Is dócha gurb é an dearcadh atá againn ar an taobh seo den Teach i gcónaí ná nach mbíonn toradh fiúntach i gcónaí ar éigeantas. Más féidir linn daoine a mhealladh, sin mar is fearr é. Táimid ag cur síos an leasaithe chun déanamh cinnte de, cibé duine an comharba ar na húdaráis i nGaillimh i láthair na huaire, go mbeidh ceangal na gcúig gcaol air nó uirthi aitheanas, seasamh agus stádas a thabhairt don Ghaeilge i gcursaí oideachais tríú leibhéal sa tír seo.

Dr. Cowley: Tá an-áthas orm a bheith ag caint faoin mBille seo. Tá an-aithne agam ar Ollscoil na Gaillimhe, mar is é sin an áit ina raibh mé ar feadh na mblianta fada nuair a bhí mé ag staidéar an leighis. Bhí mé ann chomh maith chun an dlí a staidéar ina dhiaidh sin. Ba mhaith liom fáilte a chur roimh uachtarán an choláiste, Iognáid Ó Muircheartaigh, atá sa Gallery. Ba mhaith liom gach tacaíocht a thabhairt don ollscoil agus don Bhille seo. Tuigim go bhfuil sé ceart go mbeidh seans ag gach duine post a fháil. Ní bheidh aon chonstaic air sin, mar ní bheadh sé ceart nó cóir. Tá aithne agam ar an bhfear i gceist a bhí ag lorg poist ann. Dúirt na cúirteanna go raibh an ceart ag an bhfear sin. Ní bheadh sé sna cúirteanna dá mbeadh an post ar fáil agus tá mé buíoch as sin.

Tuigim go bhfuil sé an-tábhachtach go mbeimid ag iarraidh cúpla focal Gaeilge a rá. Bhí daoine ag caint mar gheall air sin ar maidin. Tuigim go bhfuil géar-ghá ann go mbíonn seans ag gach éinne an teanga a fhoghlaim. Bíim ag caint leis an Aire go minic mar gheall ar Ghaelscoil na Cruaiche i gCathair na Mart. Tá sé an-tábhachtach ar fad go mbeadh Gaelscoil ann. Tuigim go bhfuil an tAire ag cabhrú i dtaobh sin agus gabhaim buíochas dó.

Bhí sé an-chrua an Ghaeilge a labhairt sna blianta atá caite. Bhí bata scóir ag daoine sna blianta sin. Cuireadh scóir ar an bhata nuair a labhair na gasúir as Gaeilge sa scoil. Bhí ruaille buaille ann nuair a labhair siad as Gaeilge. Is é sin an chaoi ar cuireadh na penal laws i bhfeidhm. Bhí fonn ar na daoine an Ghaeilge a labhairt agus táim an-bhuíoch go bhfuil an seans agam í a labhairt. Tá sé tábhachtach go mbeimid ag tabhairt tacaíochta do gach uile duine atá in ann

cúpla focal a rá. Tá daoine sa tír seo ag lorg seans an Ghaeilge a úsáid. Dúirt mé go bhfuil daoine ag foghlaim na teanga sna Gaelscoileanna. Nuair a bhí mé i mo dhochtúir teaghligh ar Oileán Acla agus ar an gCorrán, chas mé ar dhaoine aosta a bhí ag iarraidh cúpla focal a bhaint asam. Bhaineadar taitneamh mór as é sin a dhéanamh. Tá a lán daoine óga a bhfuil neart suim acu sa teanga. Tá na mílte scoláirí ag foghlaim na Gaeilge agus ag baint taitnimh aisti sna gaelscoileanna. Tá suim mhór acu sa Ghaeilge. Tá a lán rudaí eile ann a bhaineann leis an teanga, an cultúr agus an traidisiún atá againn sa tír seo.

Tá baint agam le seoltóireacht na yawlta ar Oileán Acla. Bíonn cruinniú againn gach bliain. Ba mhaith liom buíochas a ghabháil le hÚdarás na Gaeltachta don tacaíocht mhór a thugann sé do na yawlta. Tá sé mar phlean againn ionad yawlta a chur ar fáil ar Oileán Acla chun go mbeidh cuairteoirí in ann foghlaim fúthu. Tá a lán oibre iontaí á déanamh ag Raidió na Gaeltachta agus TG4. Pléann siad nithe éagsúla a bhaineann leis an teanga agus an chultúr. Nuair a táimid ag cur na rásaí ar siúl agus ag tabhairt na nduaiseanna amach, déanaimid iarracht an Ghaeilge a labhairt. Tá a lán daoine ar Oileán Acla a bhfuil an-chleachtadh acu sa teanga. Ba mhaith liom go gcuirfidh Údarás na Gaeltachta agus an Stát an tacaíocht chéanna ar fáil go ceann na mblianta fada, agus tuigim go dtarlóidh sé sin. Tá 20 yawl ar na farraigí againn, agus baineann gach éinne an-taitneamh as a bheith ag plé leis na yawlta agus ag labhairt na Gaeilge.

Tuigim go bhfuil a lán Gaeilge ann. Tá a lán daoine in ann cúpla focal a rá. Ní mór don Rialtas gach tacaíocht a thabhairt do dhaoine mar sin. Bhí an Ghaeilge ag mo mháthair agus mo sheanmháthair go láidir. Tá daoine aosta ann atá an-sásta an Ghaeilge a labhairt. Is féidir leis an Rialtas rud éigin a dhéanamh dóibh chun an Ghaeilge a chur chun cinn. Bíimid i gcónaí ag iarraidh go labhróidh daoine óga an Ghaeilge, ach caithfidh smaoineamh ar na daoine eile. B'fhéidir go mbeidís as cleachtadh, ach ceapaim go labhróidís a thuilleadh Gaeilge dá mbeadh seans acu. Taitníonn an Ghaeltacht le mór-chuid daoine óga. Nuair a bhí mé óg, chuaigh mé go Lochán Beag, agus chas me ar Phól Ó Foighil, fear iontach a fuair bás le déanaí. Bhain mé an-taitneamh as an craic agus an céilí a bhí ann.

I am pleased to be able to speak on this Bill. It is important that we are seen to support Ollscoil na Gaillimhe, to which the west has a great attachment. My father, daughter and I have taken advantage of its very good facilities. This Bill is straightforward. It is logical in that it purports to take a correct action.

I am familiar with a case where a law lecturer was placed first for a permanent job. He felt very aggrieved because although he had passed the Irish language test on two previous occasions, he did not pass it on that occasion and so was not offered the job. It seemed quite inequitable to me. As it happened, the person who was first in

line refused the job and it was offered to this law lecturer, which was right and equitable.

It is correct that the law be changed to deal with interference with a person's right or ability to be appointed to a particular post. This is the unanimous decision of the governors of NUI Galway. I respect that and support this Bill.

NUI Galway, or University College Galway, UCG, as it was known, has had many achievements regarding the Irish language and cannot in any way be accused of diluting it. An academy of Irish learning has been established there and NUI Galway is doing its bit for the language. I agree with Deputy Ó Snodaigh that we have not yet seen the programme for development. However, it is hoped that all will happen according to plan.

I wish to make a point on the greater ability now of University College Galway to put through medical graduates. The number of graduates allowed has increased greatly from 305 to 725 in 2007. I welcome this because there is certainly a great shortage of general practitioners and doctors in the west. Tabharfaidh sé seans do níos mó dochtúirí teaghlach a fhail. Tá sé sin an-tábhachtach ar fad. People often accuse the medical profession of limiting the number of graduates in some way. This is an urban myth, and also a rural myth, propagated for some unknown reason.

Mr. Gogarty: Irish graduates.

Dr. Cowley: In my dealings with doctors' unions, I note the medical profession is always keen to see an increase in the number of doctors. The difficulty was with the universities. Ní raibh an t-airgead acu chun an rud a dhéanamh. Ní raibh a dhóthain airgid acu chun níos mó dochtúirí a chuir amach agus dá bharr sin, ní raibh na dochtúirí le fáil. I greatly welcome the increased role of the universities in this regard and the opportunity for more people to qualify from NUI Galway and other universities. More than doubling the number of graduates is to be especially welcomed. I know the medical degree from NUI Galway is recognised throughout the world.

I wish the college every success in the future. Ní mór dom a rá go mbeidh gach tacaíocht le fáil ó gach uile Teachta do Ollscoil na Gaillimhe. Tá an-áthas orm a bheith ag caint ar an Bhille seo.

Mr. Kenny: Ba mhaith liom cúpla focal a rá ar an mBille seo. Sílim gur chóir dúinn go léir a bheith macánta faoin teanga. Léigh mé an tuarascáil a chuir an Coimisinéir Teanga amach anuraidh. Dúirt sé go han-soiléir go bhfuilimid ag caitheamh 1,500 uair múinteoireachta agus €500 milliún gach bliain ag múineadh na Gaeilge do leanaí na tíre seo. Dúirt sé go raibh díomá air — tá díomá orainn go léir — faoin chaighdeán agus faoin chumas sa Ghaeilge labhartha atá ag formhór mhuintir na tíre.

Sílim gur chóir go mbeimis macánta faoin ábhar seo. Bheadh sé i bhfad ní b'éasca do

pholaiteoirí gan rud ar bith a rá faoin teanga. Dúirt mé gur chóir dúinn breathnú ar na struchtúir agus an chaoi múinteoireachta chomh maith leis na háiseanna atá á dtabhairt againn do mhúinteoirí na tíre chun níos mó béime a chur ar an teanga agus deireadh a chur leis an éigeantacht. Dúirt mé chomh maith gur cheart go mbeadh scrúdú béil ann don teastas sóisearach agus go ndéanfaí athstruchtúrú ar an gclár don ardteist.

Ba cheart dúinn i bhfad ní ba mhó béime a chur ar chúrsaí drámaíochta, spraoi agus teanga labhartha chun go mbeimid i bhfad níos láidre ó thaobh na teanga de taobh istigh de chúpla bliain. Dhírigh beagnach chuile duine isteach ar an éigeantacht amháin. Dúirt siad go mbeimid ag laghdú na Gaeilge agus chumas na teanga, agus mar sin de. Cuirfidh mé fáilte roimh an am a mbeimid in ann díospóireacht iomlán a bheith againn i nDáil Éireann faoi na deacrachtaí seo agus faoi chomh báúil agus atáimid go léir don teanga. Séard atá i gceist agamsa agus ag Fine Gael ná an Ghaeilge a neartú agus a láidriú ó cheann na tíre. Ó thaobh an Bhille seo de, bhí mé ag caint le húdaráis Ollscoil na hÉireann, Gaillimh. Aontaím leo gur chóir go mbeadh leasú ann ar an Acht a tháinig isteach i 1929.

Mar a dúirt an Teachta McGinley faoi Earnán de Blaghd agus Risteárd Ua Maolchatha agus iad siúd a bhí an-láidir i leith an Ghaeilge a chur chun cinn, bímis macánta faoi go raibh deacrachtaí ag Ollscoil na hÉireann, Gaillimh ollamh faoi leith a mhealladh don ollscoil. Séard atá i gceist anseo ná leasú a thabhairt isteach chun deireadh a chur le héiginnteacht maidir le Gaeilge a bheith ag ollamh atá ag dul isteach in Ollscoil na hÉireann, Gaillimh.

Ina áit sin, bheadh plean straitéiseach leagtha amach agus ceann de na haidhmeanna sa phlean sin go mbeadh an Ghaeilge, múinteoireacht na teanga agus ábhair as Gaeilge ar fáil taobh istigh den choláiste agus, mar atá á dhéanamh acu faoi láthair in Ollscoil na hÉireann, Gaillimh, cúrsaí as Gaeilge taobh amuigh den choláiste freisin. Is maith an rud é sin agus aontaím leis an leasú.

Bhí mé ag caint ar údaráis na hollscoile. Bhí raic ar siúl. Bhí mé thíos oíche amháin, agus bhí 300 duine ag an léacht agus díospóireacht a bhí ann. Dúirt duine éigin go raibh an tAire, an Teachta Ó Cuív, ag insint bréaga faoi seo, rud a shéan sé, go nádúrtha. Bhí díospóireacht an-láidir ann faoin leasú agus an sórt creata a bheadh ar an Ghaeilge as seo amach. Mar sin, aontaím leis an leasú seo.

Mar a dúirt an Teachta McGinley, sílim ón Acht — agus is féidir leis an Aire é seo a rá — cibé uachtarán a bheidh ann deich nó 20 bliain amach romhainn, beidh air nó uirthi an plean straitéise a chuirfidh an ollscoil i gcrích a chur i bhfeidhm aríst. Más é sin atá i gceist, go mbeidh an Ghaeilge á cur chun cinn mar dhualgas agus aidhm den straitéis, cibé uachtarán a thiocfaidh isteach agus cibé údarás a bheidh ann 30 bliain amach romhainn, beidh orthu an straitéis sin a

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chur i gcrích. Táimid ag baint éigeantachta amháin ón ollscoil ó thaobh cumas sa Ghaeilge a bheith ag na hollaimh de. Ina áit sin, táimid ag cur riachtanais agus éigeantachta eile isteach go mbeidh dualgas ar údaráis agus uachtarán an choláiste an plean sin a chur i gcrích as seo amach.

Bímid ag argóint leis an Aire anois agus aríst. Dá mbeadh an Teachta Enright nó McCormack thall ansin mar Aire Oideachais agus Eolaíochta agus an Teachta Hanafin anseo, an aontódh sí linne dá mbeimis ag tabhairt leasaithe den chineál seo isteach maidir le hOllscoil na hÉireann, Gaillimh?

Ms Hanafin: Dá mba rud é gur tháinig sé anseo, b'fhéidir.

Mr. Kenny: Ó thaobh polaitíochta de, an dtabharfadh sí a tacaíocht don leasú? Táimid an-bháúil don teanga agus an rud atá á dhéanamh ag Ollscoil na hÉireann, Gaillimh. Tá an éigeantacht bainte den Gharda Síochána Gaeilge a bheith ag duine ar mhaith leis dul isteach sna gardaí i gcuid de na cásanna. Tá liúntais speisialta ar fáil ag na gardaí a oibríonn i nGaillimh agus i gCiarraí. Níl a leithéid ar fáil dóibh siúd a oibríonn sna Gaeltachtaí i gContae Chorcaí, Mhaigh Eo, nó Dhún na nGall. Tuige sin? Mar chinneadh polaitiúil a rinneadh na blianta fada ó shin. D'ainneoin go bhfuil sé ar a gcumas acu Gaeilge a labhairt agus a gcuid oibre a dhéanamh as Gaeilge an t-am ar fad agus iad ag obair sna Gaeltachtaí, ag éirí as an gcinneadh polaitiúil sin, ní raibh an liúntas sin ar fáil i nDún na nGall, i Maigh Eo, i mBaile Bhúirne nó san áit ar a raibh an Teachta McGinley ag caint.

An féidir leis an Aire, agus í ag tabhairt freagra ar an díospóireacht seo, cur isteach sa chláir anseo go mbeidh dualgas ar cibé uachtarán agus údaráis ar Ollscoil na hÉireann, Gaillimh a bheith ann an Ghaeilge a chur isteach sna pleannanna straitéise a bheith acu? Rachadh sé sin chun leasa na teanga agus Ollscoil na hÉireann, Gaillimh. Taobh amuigh de sin, fáiltím roimh an am a mbeimis in ann díospóireacht iomlán mhacánta a bheith againn sa Teach seo i leith na Gaeilge, mhúinteoireacht na teanga, agus TG4, a thug an tAire cáiliúil, an Teachta Michael D. Higgins, isteach agus atá ag seasamh an fhóid go láidir sa lá atá inniu ann. Tá súil agam go mbeidh sé níos láidre as seo amach as ucht na hoibre atá á dhéanamh acu siúd i leith na teanga labhartha agus mar sin de.

Ós rud é gur tháinig uachtarán Ollscoil na hÉireann, Gaillimh anseo inniu, fáiltím roimhe agus deirim leis go n-aontaím leis an aidhm atá aige agus ag na húdaráis i leith an leasú seo. Éistfidh mé leis an Aire á rá go cinnte dearfach go mbeidh an dualgas sin ann as seo amach go meidh an Ghaeilge sáite isteach sa phlean straitéise sa treo is nach mbeidh díomá nó míthuiscint ar dhuine ar bith ó thaobh na háite a

bhfuil an Ghaeilge mar theanga de, atá chomh fíorthábhachtach dúinn go léir.

Mr. Sargent: Tá áthas orm deis a fháil labhairt ar Bhille an Choláiste Ollscoile, Gaillimh (Leasú) 2005. Tríd is tríd, mar a dúirt urlabhraí an Chomhaontais Ghlais ar chúrsaí oideachais agus eolaíochta, an Teachta Gogarty, táimid ar son mholadh údaráis Ollscoil na hÉireann, Gaillimh mar gheall ar feabhas a chur ar sholáthar chúrsaí Gaeilge agus chultúr Gaeilge do mhic léinn na hollscoile agus na tíre go ginearálta.

Gan amhras, má táimid ag aontú leis an reachtaíocht i bprionsabal, tá a fhios againn go léir sa Teach seo nach leor reachtaíocht go minic chun cúrsaí a athrú go bunúsach. Táim go láidir den tuairim gur maith agus tábhachtach an rud é an díospóireacht seo chun, b'fhéidir, iniúchadh beag a dhéanamh ar cad eile a bheidh ag teastáil seachas an reachtaíocht le go mbeidh tionchar suntasach againn ar chúrsaí. Mar a dúirt *Foinse* ar 29 Eanáir, le déanaí ní raibh tionchar ar bith ag riail na Gaeilge ag 95% de cheapacháin sa choláiste. Dúirt an nuachtán freisin go bhfuil riail na Gaeilge i gceist i gcás ollaimh amháin as 15 a ceapadh le trí bliana anuas. Ní mór, mar sin, féachaint go géar ar an scéal sin agus na leasuithe atá á dtabhairt isteach. Cuirim fáilte roimh leasú na hollscoile agus táimid ag súil go mbeidh ár leasú féin chomh héifeachtach agus is féidir.

Tá sé tábhachtach go bhfuilimid ag díriú ar na rudaí seo. Tá réimse cúrsaí do mhic léinn le Gaeilge i gceist ar leibhéal amháin, agus caithfidh bheith cinnte de go bhfuil sé sin ann leis an bhorradh atá tar éis teacht ar an ghaelscolaíocht sa tír agus an tsuim atá ag go leor daoine freastal ar choláiste tríú leibhéal chun cúrsa a dhéanamh trí mheán na Gaeilge. Ní mór na cúrsaí sin a chur ar fáil. Chomh maith leis sin, áfach, tá suim mhór agam go pearsanta sa chuid sin den leasú a bhfuil tagairt ann do chultúr dátheangach cumarsáide. Tá suim mhór agam sa chuid sin den leasú mar duine atá ag múineadh na Gaeilge do dhaoine fásta go deonach gach Aoine. Tá aithne agam ar go leor daoine nach raibh Gaeilge acu nó nach raibh suim acu sa Ghaeilge nuair a bhí siad óg. Anois tá siad ag freastal ar an teanga agus ag iarraidh go mbeadh an cultúr cumarsáide dhátheangach sin ar fáil, ní amháin i gColáiste na hOllscoile ach níos leithne ná sin ar fud na tíre. Tá deis anseo ag an ollscoil an tosaíocht a thabhairt don tír ar fad ar conas is féidir cultúr cumarsáide dhátheangach a chur ar fáil a bheadh éifeachtach agus a rachadh i bhfeidhm ar an bpobal. Níl a leithéid ann go dtí seo. Tá sé ar fáil i gCeanada agus i dtíortha eile go bhfuil cothrom na féinne ann de na teangacha oifigiúla sa stát i gceist.

In Éirinn, áfach, tugtar faoi deara go bhfuil an Ghaeilge le feiceáil anseo agus ansiúd ach ní ar bhonn dhátheangach. Agus mé ag dul go Trá Lí, thug mé faoi deara sa stáisiún iarnróid go bhfuil an Ghaeilge agus an Béarla ann ó thaobh logainmneacha de ach bhí an Ghaeilge scríofa i

ndúch oráiste agus an Béarla i ndúch dubh. Nuair a bhíonn sé dorcha tá an dath oráiste dofheicthe agus níl aon chuma go bhfuil muid i ndáiríre faoin Ghaeilge nuair a dhéantar sin. Sin sampla amháin den easpa dáiríreachta a bhíonn ann, cé go bhfuil cultúr cumarsáide dhátheangach in ainm is a bheith ann.

Sa Teach seo agus i gcúrsaí Rialtais, cé go bhfuil Acht na dTeangacha Oifigiúla ann, arís, ó thaobh cultúr cumarsáide dhátheangach, mar atá luaite sa leasú, níl sé ann go praiticiúil. Tá an clár Rialtais idir Fianna Fáil agus an Páirtí Daonlathach agam agus ní luaitear go bhfuil leagan Gaeilge ar fáil. Tá an Ghaeilge ann mar an t-ábhar deireanach sa chlár. Bheinn ag súil má tá dátheangachas i gceist go mbeadh ar a laghad tagairt ann do leagan Gaeilge. Tá an clár caipitil don Roinn Airgeadais mar an gcéanna.

Tá feabhas tagtha le hAcht na dTeangacha Oifigiúla. Tá tionchar an Achta le feiceáil sa tuarascáil bhliantúil ón Gharda Síochána. Níl d'fhoghlaimoir teanga é seo, áfach, tá sé ann ar mhaithe leis an Acht agus le riachtanais oifigiúla ach lena léamh as Gaeilge, caithfidh duine an leagan Béarla a chur bun os cionn as tosú arís ag an chéad leathanach. Ó thaobh téarmaíochta, suim sa teanga agus an fhoghlaimora, níl seans dá laghad go mbeadh an foghlaimoir teanga ag caitheamh ama leis an Ghaeilge atá ann mar bheadh an téarmaíocht an-chasta. Ní bhíonn sé i rithim na cainte ag an chuid is mó daoine "robberies and aggravated burglaries where firearms were used in financial institutions". B'fhéidir go dtuigeann go leor daoine sa Ghaeilge sin ach leis an téarmaíocht Gaeilge a fháil, caithfear an tuarascáil a thiontú bun os cionn agus dul ar lorg an leathanaigh céanna as Gaeilge. Tá ról tábhachtach ag Coláiste na hOllscoile Gaillimh féachaint nach dtarlaíonn an sórt sin raiméise, an cur amú airgid a tharraingíonn droch-chlú ar na hiarrachtaí díograiseacha atá ar siúl ag neart daoine úsáid na Gaeilge a chur chun cinn. Tá a leithéid de chultúr forbartha i gCeanada agus bíonn Fraincis agus Béarla taobh le taobh ar an leathanach amháin.

Tá sin níos leithne ná an leasú seo ach tá sé mar chuid den díospóireacht mar tá muid ag rá go bhfuil dualgas ar an choláiste cultúr cumarsáide dhátheangach a chruthú agus a chur chun cinn ach má tá sé ag déanamh aithrise ar thosaíocht atá ag teacht ón Rialtas, teipfidh orthu. Tá eagla orm go dtarlóidh sin muna ndéanfar dianmhachnamh ar cad is cultúr cumarsáide dhátheangach ann. Beimid ag súil leis an díospóireacht sin ach le cúnamh Dé beidh an reachtaíocht ann ar dtús báire.

Ms Hanafin: Gabhaim buíochas do na Teachtaí a labhair. I gcónaí nuair a bhíonn ábhair a bhaineann leis an Ghaeilge, is iontach an méid duine a thagann isteach agus a chuid Gaeilge a úsáid, a thaispeánann nach bhfuil an Ghaeilge chomh dona i measc polaiteoirí na tíre is a cheapann daoine eile.

This Bill has a particularly narrow focus. I wish to reiterate that the introduction of this amendment is not a reflection on NUI Galway's past scholarly achievements and learning, or on any research carried out there. NUI Galway has requested that it be allowed to adapt for future employment requirements, not requirements for learning, teaching or any scholarly work that continues in that wonderful university.

However, given the demands, particularly in the fields of science and technology, we must be more international in our outlook. This is why I adopted a rather narrow approach in my opening remarks. A couple of legal cases have led to a fear among the authorities in NUI Galway that they may have a potential barrier which might affect any future appointments they might make. Sin an fáth go bhfuil an Bille seo ag teacht.

Debates on the value of education and the value of universities should take place regularly. Undoubtedly, it would be beneficial to have such a debate in this House on another day. I agree entirely that the world would be a far duller place without historians, linguists, poets, writers, Deputy Michael D. Higgins and similar people who add such colour and excitement to our lives from the humanities disciplines. The economy is not the sole focus, as I have made quite clear in all speeches which I have given this year regarding third level education. This is particularly the case in the manner in which I have resisted suggestions by the OECD that the humanities council should be merged with the science council. There are no circumstances in which I would accept such a recommendation, because education and the relationship between the universities and society is far broader than that. We all benefit from the interaction and learning of others.

Maidir leis an Gaeilge, aithníonn gach duine sa Teach go bhfuil fadhb ann. Tá fadhb ann maidir le múineadh na Gaeilge agus múineadh na Gaeilge go háirithe ins na scoileanna ag an dara léibhéal. Ach aithnímid go bhfuil meath ins an Gaeltacht.

However, for the second time this week, Members have witnessed serious differences between the educational policies adopted by the major Opposition parties. Unfortunately, when it comes to our native Irish language, the attitude of Fine Gael appears to be that if there is a problem, it should be killed; if it is unpopular, it should be removed; and if international languages are more successful, our own native one should be replaced.

Mr. McGinley: Fine Gael practises what it preaches.

Ms Hanafin: My attitude is to be more supportive of reform and revitalisation and to introduce reforms in the teaching of Irish, not to reintroduce "the murder machine".

Ms Enright: The Minister has not introduced any reforms.

Ms Hanafin: As far as the school curriculum is concerned, my aim is to ensure we have a proper follow-on from primary school to second level.

Members all recognise that the new
3 o'clock primary school curriculum works successfully, is being well taught and is enjoyable for students. However, I have asked the curriculum council to prioritise the curriculum at second level and to establish how much more oral work can be given. Would it be possible, for example, to award 50% of the marks in the leaving certificate for oral Irish, which I strongly believe in mar iar-mhúinteoir Ghaeilge? That would lead to a significant change in the methodologies because teachers could concentrate more on debate, drámaíocht, siamsaíocht, pleidhíocht agus gach rud. Ní bheadh siad go léir sa rang ag iarraidh gramadach agus iomarca litríochta a mhúineadh. We offer a broad education and our students are asked to do seven subjects, including English, mathematics, a foreign language, science, and, hopefully, history or geography. There is room for every student to take our native language during their education. We can give tacaíocht, cúnaimh, athrú béime agus níos mó a dhéanamh ar son an teanga labhartha agus gach rud a dúirt mé, agus ba mhaith liom níos mó a dhéanamh air sin. However, to abolish compulsory Irish for the leaving certificate would destroy the language at all levels in the education system.

I accept Deputy Enright's comment that the Gaeltacht in Mayo is dying but she has failed to consider that Gaeilge is thriving in Dublin, Limerick and Cork. It may be in decline in some areas but there is a shift in the focus and we now have a new urban Gaeilge, which must be recognised. More Irish is being spoken and taught in my constituency, Dún Laoghaire, than in the Mayo Gaeltacht. If one stands outside Scoil Lorcáin, Coláiste Eoin or Coláiste Íosagáin, one will hear not only the children but also the parents conversing in Irish.

Mr. Gogarty: Níl na tuismitheoirí ag labhairt as Gaeilge.

Ms Hanafin: That does not mean we should say it is dead in the traditional areas, therefore, we should kill it in all the schools as well. Various recommendations have been made regarding the support of schools in Gaeltacht areas but these schools must be measured against those in urban areas. One of the recommendations is that the Gaeltacht schools, particularly in isolated areas, should be amalgamated. Is that in the best interest of these areas educationally? These are issues. However, I do not want a scenario in which Irish is abolished for students under the age of 18 because the knock on effect throughout the system will be negative.

The Bill deals with an employment barrier faced by NUIG, not learning or scholarly achievement. I have no doubt go bhfuil dualgas fágtha ag NUIG chun a cuid a dhéanamh ar son na Gaeilge. That commitment is enshrined in the legislation and the university and it will have to be a principal aim of the college to continue to promote the Irish language. This will apply to all future presidents, authorities and strategic plans because that is their responsibility. If the strength of the Irish language is shifting from the Gaeltacht areas to Dublin, Cork and Galway, there is also a responsibility on every other third level institution to do its bit to promote the Irish language in all its courses. It should not only be the responsibility of NUIG, although it has a particular responsibility. Caithfidh sí cloígh leis sin in ainneoin an Bhille seo. The college must maintain its commitment.

We all say we support the Irish language. I want Fine Gael to seriously examine its proposal because its consequences are ill-thought out. I sincerely hope Fine Gael never gets the opportunity to implement it.

Ms Enright: The Minister has no proposals.

Question put and agreed to.

University College Galway (Amendment) Bill 2005 [Seanad]: Committee and Remaining Stages.

NEW SECTIONS.

An Ceann Comhairle: Amendments Nos. 12 and 34 are related to amendment No. 1 and all may be taken together.

Ms O'Sullivan: I move amendment No. 1:

In page 3, before section 1, to insert the following new section:

"1.—In this Act, "Principal Act" means the University College Galway Act 1929."

These are technical amendments intended to ensure the name "National University of Ireland Galway" rather than "University College Galway" is used, as the name has changed.

Minister for Education and Science (Ms Hanafin): This legislation amends the University College Galway Act 1929 and it is not appropriate to adopt the new title.

Amendment, by leave, withdrawn.

Ms O'Sullivan: I move amendment No. 2:

In page 3, before section 1, to insert the following new section:

"1.—The Preamble to the Principal Act is repealed."

This relates to the same issue.

Aengus Ó Snodaigh: It is not related to the first issue because it is much more involved. Ní gá ach féachaint ar an preamble le féachaint cad atá i gceist. Sin ceann de na háiteanna a deir sé go bhfuil dualgas ar an choláiste ó thaobh na Gaeilge:

...the Governing Body of the said College has lately made provision by statute for securing that certain of professors and lecturers of the said College shall deliver their lectures in the Irish language, and proposes to take such further steps as circumstances may permit to secure that an increasing proportion of academic and administrative functions of the said College shall be performed through the medium of the Irish language.

Is oth liom go bhfuil Páirtí an Lucht Oibre ag iarraidh fáil rogha den preamble sin.

Ms Hanafin: This amendment is not necessary, given that the dualgas will be kept on the college in the legislation.

Mr. M. Higgins: Tá sé tábhachtach go ndéanaim soiléir ar son Páirtí an Lucht Oibre nach bhfuil muid ag déanamh aon iarrachta éalú ó spricanna atá leagtha síos sa teideal mar a bhí sé. An dóigh cheart chun é a chur i gcrích ná glacadh leis an phlean straitéiseach. I leasaithe eile, tá mé ag athrú an commitment maidir de liostanna de na haidhmeanna éagsúla sa dóigh is go mbeidh sé mar cheann de na bunphrionsabal taobh istigh de na haidhmeanna nithe áirithe a bhaint amach leis an Ghaeilge a chur ar aghaidh. Níl sé ceart a rá go bhfuil muid ag déanamh éalú ó commitment ar bith, beag nó mór, don Ghaeilge nó do theagasc frí mheán na Gaeilge. B'fhéidir go bhfuil muid ar aon intinn leis an Aire gur féidir sin a bhaint amach i gcomthéacs bun-alt a leagan síos oibleagáidí éagsúla don phlean straitéiseach.

Amendment, by leave, withdrawn

An Ceann Comhairle: Amendments Nos. 3, 4, 13 to 16, inclusive, 18, 21, 22, 24 to 26, inclusive, 32 and 36 will be taken together.

Ms O'Sullivan: I move amendment No. 3:

In page 3, before section 1, to insert the following new section:

"1.—The Principal Act is amended by the deletion of section 1 and the substitution therefor of the following section:

1.—In this Act "University" means the National University of Ireland, Galway."

These amendments relate to the issue raised in amendment No. 1. I will withdraw them to save time.

Amendment, by leave, withdrawn.

Amendment No. 4 not moved.

An Ceann Comhairle: Amendments Nos. 5, 10, 27 and 39 will be taken together.

Aengus Ó Snodaigh: I move amendment No. 5:

In page 3, before section 1, to insert the following new section:

"1.—Section 25(1) of the Universities Act 1997 is amended by inserting the following paragraph after paragraph (c):

"(d) their intended duties and the intended duties of the University under the *National University of Ireland, Galway (Amendment) Act 2006* and the Official Languages Act 2003 and the schemes relating thereto, as well as enquiring into and including the applicant's fluency in the Irish language."

Rinne mé trácht air seo níos luaithe. Cuireann sé iontas liom gur ligeadh an leasú seo mar rialadh na leasuithe eile a bhí ag triall le baint le píosaí eile d'Acht na hOllscoileanna as ord. Is cóir an reachtaíocht mar a bhí a athrú agus nach mbeidh bac ar duine fostaithe san ollscoil ach is ceart ar a laghad go bhfuil ceist curtha an bhfuil Gaeilge aige agus cé chomh líofa is atá sé. Tá meon ann nach gcóir aon cheist mar seo a bheith ann ach is cóir. Má tá duine a rá go bhfuil idirdhealú déanta air toisc gur cuireadh ceist air faoin teanga, níl sé ceart. Caithfidh bheith in ann i gcónaí a cheist sin a chur le fáil amach an bhfuil bá fiú ag an duine don Ghaeilge. B'fhéidir go mbeimid ag iarraidh air Gaeilge a fhoghlaim agus níl bá ar bith aige don Ghaeilge agus níl sé sásta tacú le cur chun na Gaeilge sna hollscoileanna. Is ceart go mbeidh dualgas mar sin ann go ndéanaimid fiosrúchán éigin faoin Ghaeilge go mbeimid in ann í a chur chun cinn agus go mbeimid in ann a mheas cad é an pleán atá againn má tá muid ag cur scéime le chéile faoi Acht na dTeangacha Oifigiúla mar atá déanta ag an choláiste. Tá an pleán ag an choláiste go maith ach ní théann sé fada go leor domsa.

Níl mé ag baint an iomarca leis an cheist seo mar ba mhaith liom díriú isteach i gceisteanna eile ach nuair a bhí mé ag cur an leasaithe seo le chéile bhí fadhb mhór agam. Dúradh linne nuair a bhí muid ag baint le ceist na dteangacha oifigiúla go mbeadh gach Bille ar fáil i nGaeilge roimh i bhfad. Low and behold chuaigh mé le fiosrú an Bille seo chun baint leis seo agus níl sé ar fáil i nGaeilge — Acht na nOllscoileanna 1997, naoi mbliain ó shin, agus fós ní féidir liom teacht ar an Ghaeilge. Toisc nach raibh sé ar fáil i nGaeilge agus nach bhfuil an Bille seo ar fáil i nGaeilge, ní raibh cead agam de réir an Bills Office, agus thug sí cuidiú dom na leasuithe a chur mé i nGaeilge a aistriú go Béarla. Sin cé chomh trom ar chúl is atá an áit seo. Chaith mise an lá ar fad inné ag baint le haistriúchán go Béarla ó stuif a chuir mé i nGaeilge.

[Aengus Ó Snodaigh.]

Ag labhairt ar leasú Uimh. 10, tá mé ag lorg na hathraithe seo go mbeadh sé glan soiléir ón chéad léamh ag aon duine ar na dualgais go gcaithfidh sé féachaint i gcónaí ar na hAchtanna difriúla agus na dualgais atá aige dá réir. Ní díreach faoin Ghaeilge amháin atá sé ach caithfidh go mbeidh Gaeilge san áireamh i gcónaí nuair atá bord meastacháin ag bualadh mar gheall ar dhuine nua a fhosú. Míníonn leasú Uimh. 27 cad tá i gceist sna leasuithe eile nuair a luaigh mé scéim.

I leasú Uimh. 39, tá i gceist go mbeadh sé luaithe san fhotheideal go bhfuil dualgas áirithe ag an choláiste i leith na Gaeilge. Tá céim siar glactha againn maidir leis an dualgas áirithe a bhí tugtha don ollscoil. B'fhéidir go raibh sé mícheart an tslí a bhí sé curtha ar pháipéar ach bhí an aidhm cheart ag Earnán de Blaghd nuair a chuir sé é, bhí sé ag triall le rud a dhéanamh. B'fhéidir sa lá atá inniu ann nach sin an tslí lena dhéanamh. Toisc nach bhfuil an Rialtas seo agus nach raibh aon Rialtas roimhe seo sásta ollscoil lán-Ghaelach a dhéanamh, is gá ceann de na hollscoileanna a roghnú ar a bhfuil an dualgas breise bheith mar cheannródaí ó thaobh na Gaeilge de agus tá sin comhlíonta ag Coláiste na hOllscoile Gaillimhe go dtí seo. Tá sé i gceist ag an dream atá ann faoi láthair leanúint leis ach tá mise ag iarraidh go mbeadh sé i reachtaíocht go bhfuil an dualgas sin aige agus go gcuirfear leis.

Cuirfear leis má ghlacfar agus má chuirfear leis na scéimeanna atá aige gach uile trí bhliain nuair atá siad os comhair an Aire Gaeltachta. Is rud maith é go bhfuil a leithéid de scéim ann go bhfeicimid cad é an dul chun cinn a bheidh ann agus conas mar a chomhlíonfar í. An fhadhb is mó atá ann ná go bhfuil a fhios ag gach duine faoina pleananna straitéiseacha a bhíonn ag eagrais agus comhlachtaí agus b'fhéidir in ollscoileanna, cé bhfuil go súil agam nach bhfuil an ceart agam; titeann siad ar leataobh agus ní shroictear na buaic-phointí nó nithe eile atá i gceist. Tá súil agam nach dtarlóidh sin.

Toisc go bhfuil mé ag rá gur cóir go mbeadh an dualgas breise sin ag an ollscoil seo go háirithe is ceart go mbeadh breis airgid curtha ar leataobh. Toisc an riail seafóideach againn sa Teach seo nach féidir leis an Fhreasúra leasuithe a chur chun cinn mar gheall ar chaiteachas, ní féidir linn a rá conas mar a rialófar na smaointí atá againn nó na rudaí atá muid ag cur chun cinn. Bhí sé i gceist sna leasuithe, toisc go mbeadh dualgas breise ag an ollscoil, go gcuirfear airgead sa bhreis ar an ghnáth-airgead a fhaigheann sé ar fáil. Ní raibh mé just ag caitheamh amach dualgais breise ar an ollscoil go deor na ndeor.

Is cóir dúinn i gcónaí an méid chosaint agus is féidir a bheith ann don seasamh atá ag an Ghaeilge san ollscoil seo agus gach ollscoil. Sin an fáth go bhfuil mé ag iarraidh go mbeadh sé i reachtaíocht.

Tá mé ag brostú tríd an stuif seo chun seans a thabhairt do dhaoine eile labhairt air seo.

Ms O'Sullivan: On a point of order, when I was speaking to amendment No. 1, I assumed the amendments that were grouped with it would have had something to do with changing the title to NUIG. On receiving the list of groupings, I realise that even the Minister's amendment No. 15, which she shares with me, has also been grouped, as have some of the other amendments which propose to change the substance of section 1(3). For example, the Green Party's amendment was grouped with mine, whereas the Fine Gael amendment was not, even though they are practically the same. I object to the groupings because we should have an opportunity to debate the amendments. While I am happy to group the amendments that relate to the title "NUIG", I do not agree with grouping the other amendments that deal with the substance of section 1(3).

An Ceann Comhairle: The issue does not arise until we reach amendment No. 15. Perhaps when we get that far, we will allow a brief discussion on the amendments.

Ms O'Sullivan: It is only fair.

Mr. Gogarty: I agree with Deputy O'Sullivan.

Ms Hanafin: Tíocfaimid ar ais do na leasuithe sin. Tá sé ait bheith ag labhairt i nGaeilge ar leasú atá scríofa i mBéarla, aontaím leis an Teachta Ó Snodaigh air sin. Caithfidh féachaint ar an mBille seo ó thaobh an chúlra reachtaíochta eile atá ann, Acht na dTeangacha Oifigiúla. De réir na reachtaíochta sin caithfidh na hinstiúidí tríú leibhéal ar fad a gcuid a dhéanamh ar son na teanga. Caithfidh siad go léir straitéis a leagan amach a rá cad a dhéanfaidh siad chun an Ghaeilge a chur chun cinn. Tá straitéis ag NUIG le plean ó thaobh an Achta sin. Téann an dá rud i lámh le chéile agus mar sin ní ghá glacadh leis na leasuithe curtha síos ag an Teachta Ó Snodaigh because the Official Languages Act already gives that protection and guarantee.

Were I to accept amendments Nos. 5 and 10, this would lead to a return of the 1929 Act because what the Deputy is aiming to do is impose certain conditions on the employment of persons to any position in the university. What we are doing here is trying to remove a condition on employment of persons to the university under the 1929 Act. The direction in which we are going in this case is at the core of the Bill and these amendments would be in direct conflict with it.

Mr. M. Higgins: Tá deacracht faoi Acht na dTeangacha Oifigiúla cionn is go bhfuil sé leagtha síos mar alt gur féidir le hinstiúid ar bith iarratas a chur isteach gan bac leis an dualgas san Acht. In other words, the capacity is expressly stated in the Official Languages Act, that an institution involved may make an application to be removed from the obligation that falls on it in regard to the language. That is the difficulty. It is much better if

the commitment in regard to the language is in the university's own legislation. When I listened to the arguments put forward on this point I was impressed by the fact that one cannot argue that one can run on, as it were, the obligations of the Official Languages Act and say that this deals with it. What would happen, for example, if at a time in the future a governing authority submitted an application to be relieved of this obligation? That question must be answered. It can be answered by strengthening the commitment in the University College Galway (Amendment) Bill. That is the issue.

Aengus Ó Snodaigh: Ní sé i gceist go mbeadh bac ar aon duine ach go mbeadh sé de chead ag údaráis an choláiste an cheist a chur mar tá seans ann go mbeadh duine ag rá go mbeadh idirdhealú déanta air toisc gur cuireadh an cheist sa chéad dul síos, that somebody would be discriminated against just because the question was on an application form, aptitude test or was asked by a board. Even though it would not be a restriction, it would be the duty of the college in this case. My intention was to make sure that the college was to the fore in promoting the language, that it would have a duty just to question at the very least whether somebody had a language ability.

Amendment, by leave, withdrawn.

Amendments Nos. 6 to 10, inclusive, not moved.

An Ceann Comhairle: Amendments Nos. 11, 31, 33, 35 and 37 are related and will be discussed together by agreement.

Aengus Ó Snodaigh: I move amendment No. 11:

In page 3, line 10, before "The" to insert the following:

"Acht Choláiste Phríomh-Scoile na Gailimhe, 1929 and in English,".

Is pointe beag é, ach ardaím é go rialta. Ó thaobh an stádas atá ag an nGaeilge mar príomhtheanga, tá príomh-Theideal an Bille seo as Gaeilge, agus dá réir sin ba chóir go mbeadh sé mar rial againn an Teideal a bheith i nGaeilge ar dtús agus ansin i mBéarla.

Ms Hanafin: The wording is unnecessary and does not add anything to the Bill.

Aengus Ó Snodaigh: Tá an freagra sin tubaisteach. Má dhéanaimid ceartú ar Bhille i mBéarla nó i nGaeilge, ó thaobh gramadach nó bealach ar bith eile, cuireann sé leis an Bille. Is trua nach bhfuil an tAire ag glacadh leis. Níor ghlac aon Aire le seo go dtí seo mar ní thuigeann siad go bhfuil an leagan Gaeilge den Acht chun tosaigh ar an leagan Béarla má tá cás dhlí ann. Ba chóir

go mbeimis i gcónaí ag úsáid an leagan Gaeilge don teideal in Acht.

Amendment put and declared lost.

Amendment No. 12 not moved.

Mr. Gogarty: I move amendment No. 13:

In page 3, to delete lines 12 to 18 and substitute the following:

"3.—(1) The governing authority of the College shall ensure that the aims for the operation and development of the College set out in each strategic development plan prepared after the commencement of this section shall include the provision of a wide range of academic courses through the medium of the Irish language, as well as the creation of a functional bilingual communication culture within the managerial and administrative practices of the University."

I was not aware earlier that this amendment was discussed with amendment No. 3 because the grouping of amendments had not been circulated at the time. I did not indicate I wanted to speak on it because I did not know it was coming up.

The amendment takes on board some of what groups such as Conradh na Gaeilge were seeking in terms of an amended wording of the proposed legislation. It reinforces the need for the college to put as one of its aims a bilingual communications culture, both within the managerial and administrative practices of the university and in the provision of academic courses. I do not intend to press the amendment. I will leave it to the Minister to accept or reject it as she sees fit.

Mr. McCormack: There is a difference between this amendment and Fine Gael amendment No. 20. This amendment proposes to delete the main purpose of the Bill while our amendment seeks to add to the purpose of the Bill.

An Ceann Comhairle: We are discussing amendment No. 13.

Ms O'Sullivan: I wish to speak on amendment No. 13.

An Ceann Comhairle: I will hear Deputy McCormack first.

Mr. McCormack: I wish to point out that while the wording is similar to our amendment No. 20, amendment No. 13 proposes to delete the main section of the Bill, which outlines the whole purpose of the Bill, while our amendment seeks to add to the strength of what is intended. We do not seek to delete paragraph 3 but to add to it.

Ms O'Sullivan: I will probably not get to speak on my amendment so I wish to support the elements in Deputy Gogarty's amendment that

[Ms O'Sullivan.]

agree with amendments Nos. 15, 17 and 23 which I have tabled.

I welcome the fact the Minister has accepted our proposal to include the word "principal"; that it would be one of the principal aims of the college. I urge her to consider the other two suggestions in amendments Nos. 17 and 23, to insert after the word "education", the phrase, the provision of education "by, among other means, the provision of a wide range of courses" at the college, which is also included in Deputy Gogarty's amendment.

The intention is to ensure it would not refer to the provision of education in general which would not necessarily be interpreted in a robust way. It would depend on who was interpreting it. Including the phrase suggested would ensure a wide availability of courses through Irish, not just the availability of a small number of courses through Irish.

I have also sought to include the insertion of the following: "and a functional bilingual communications encouraged". That is very important. I hope the Minister will accept the spirit of all of these amendments and, specifically, the wording of the Labour Party amendments. I thank her for accepting the first one.

Mr. McCormack: Before she replies I wish to ask the Minister if she will be accepting—

An Ceann Comhairle: The Minister will not be replying.

Mr. McCormack: Is she accepting amendment No. 20, as she appeared to indicate in reply to Second Stage? It adds to the strength of the Bill.

Aengus Ó Snodaigh: Bhí sé i gceist agam dá mbeadh an t-am ann go mbeadh díospóireacht i bhfad níos faide ar an cheist seo mar seo ceann de na ceisteanna móra eadrainn ón pháosa bhreise seo a bhí sa mbunleasú a bhí an coláiste ag lorg go mbeadh sin sa reachtaíocht agus is trua gur fágadh amach é. B'fhéidir nach mbeadh an raic chomh mór sin ar an Bhille atá os ár gcomhair.

An Ceann Comhairle: As it is now 3.30 p.m., I am obliged to put the following question in accordance with an order of the Dáil today: "That the amendments set down by the Minister for Education and Science for Committee Stage and not disposed of, with the exception of amendments Nos. 28 to 30, inclusive, and amendment No. 38, are hereby made to the Bill, in respect of each of the sections undisposed of that the section or, as appropriate, the section as amended is hereby agreed to in Committee, the Title is hereby agreed to in Committee, the Bill, as amended, is, accordingly, reported to the House, Fourth Stage is hereby completed and the Bill is hereby passed."

Question put and agreed to.

An Ceann Comhairle: The Bill, which is considered by virtue of Article 22.2 of the Constitution as a Bill initiated in Seanad Éireann will now be sent to the Seanad.

Ceisteanna — Questions.

Priority Questions.

Pension Provisions.

1. **Mr. Stanton** asked the Minister for Social and Family Affairs the schemes available to widows or widowers in receipt of pensions from his Department to enable recipients to re-enter the workforce; his views on an increase in the earnings and income disregard, in particular for young widows, many of whom have dependant children and may have been outside the workforce for a considerable amount of time; and if he will make a statement on the matter. [4936/06]

Minister for Social and Family Affairs (Mr. Brennan): At the end of December 2005 there were just under 124,000 people in receipt of a widow's or widower's pension. More than 109,000 of these were getting a contributory pension based on social insurance contributions. There is no means test in such cases and therefore the question of earnings or income disregards does not arise.

Of approximately 14,700 persons who get a non-contributory means-tested pension, 12,700 are 65 years of age or more and 2,000 are under 65. As the Deputy has asked me in particular about younger widows, I would point out that fewer than 200 of these are under the age of 50. In addition, there are just under 1,000 widowed people who receive one-parent family payment, 500 of whom are under 50 years of age.

My Department assists and encourages long-term unemployed, and other welfare recipients including persons in receipt of widow's or widower's non-contributory pension, to return to work, training or further education through a range of measures administered by my Department's social and family support service.

One significant measure is the back to work allowance scheme which incentivises and encourages people to return to work by allowing them to retain part of their social welfare payment for a period when they take up employment or self-employment. Widows or widowers who have been in receipt of a non-contributory pension for 15 months may qualify for the back to work scheme when they take up employment. If they are over 50 years of age or if they take up self employment they can qualify after 12 months. Research has shown that up to 80% of partici-

pants remain in employment or self-employment following participation.

The Department also administers the back to education allowance programme. This programme provides support to long-term social welfare recipients who need to obtain educational qualifications before re-entering the labour force. A survey in this area has shown that 63% took up employment following participation in the scheme.

In 2005, €2.8 million was accessed through the special projects fund administered by my Department and €2.1 million from the family services project fund to support similar initiatives.

As part of a determined drive to increase opportunities for widows and widowers on means-tested payments, and for lone parents, to engage in employment, the upper earnings income for the one parent family payment was substantially increased in the recent budget by €82 per week to a new limit of €375. Widows and widowers will be able to maximise their income from different sources as the means test makes provision for the exemption of significant levels of earnings.

On employment, lone parents, including widows and widowers, may earn up to €146.50 per week without it affecting their payment. Above that level, half of any earnings are assessed as means, up to a maximum of €375 per week.

From 30 June 2006, persons whose earnings have risen above €375 per week may be entitled to half of their payment for up to 26 weeks.

Additional information not given on the floor of the House

The increased income limit will allow several thousand people become eligible for a payment for the first time.

While I am satisfied that these improvements constitute a significant support to widows, particularly those who are re-entering the workforce, I will continue to keep the matter under review.

Mr. Stanton: I thank the Minister for that response. Does he have plans to introduce an earnings disregard for young widows similar to the one introduced for those age over 66? Could he introduce a tapered withdrawal, a half-rate payment of benefit for widows, similar to that applicable to the one parent family payment? Is there a barrier to widows or widowers on contribution pensions doing FÁS courses? A woman who came to see me recently stated she was not allowed take up a FÁS course while she was in receipt of widow's contributory pension. I thought that was strange. Would the Minister clarify the matter? When will we see the publication of the promised lone parent review because that will also take into account the position of widows?

Mr. Brennan: I am considering the extension of the €100 which we introduced in the budget for

non-contributory old age pensioners. That is currently not available to widows on non-contributory pensions. It obviously does not apply to widows on contributory pensions because there is no means test in that regard.

On the numbers I gave the Deputy in my reply, he can see that there is quite a small number involved. There are approximately 14,700 widows who get a non-contributory pension, 12,700 of whom are over 65 years of age and approximately 2,000 of whom are therefore under 65.

The Deputy asked about younger widows. As I pointed out that approximately 200 of them are under 50, we are not dealing with large numbers of recipients. Particularly because of that, I have asked the Department to examine whether that €100, which is currently available for non-contributory old age pensioners, could be extended to widows on non-contributory pensions because widows on non-contributory pensions are on the old disregard of €7.60 and it would make sense. It was not provided for in the budget arithmetic and therefore I must see how expensive it would be and whether I could meet it from within my existing resources. My suspicion is that I probably could meet it from those resources, given the small numbers involved.

I will take a close look at that because it is only fair that we should not reduce the non-contributory pension of a widow — or widower, although I refer to a widow in particular — who wishes to work to earn further income. The €100 to which I refer would be useful in that regard and I will return to the Deputy on that matter. In recent days I have asked that the matter be examined.

The Deputy asked about the lone parent review. The Cabinet has now approved the report. There are two reports, in fact, which we are putting together in one document. This report will be made available for public discussion within a couple of weeks. Over the next few months we will try to make solid progress in this area.

The Deputy asked about barriers to availing of FÁS courses. I know of no barrier to widows or widowers accessing FÁS courses. Some courses obviously involve age requirements. Particular careers, training and skills that might not be suitable for older widows would be suitable for younger ones, but I am not aware of any particular discrimination against widows or widowers in the case of FÁS courses.

Mr. Stanton: There is one other point. Is the Minister aware that the CDA part of the contributory pension is taxed and that there seems to be an anomaly in that regard? Could he raise the matter with his colleague, the Minister for Finance, to ensure that does not happen? It is given particularly to assist with the rearing of children and it seems strange that it is taxed. I understand that the Garda one is not taxed because it is maintenance, whereas this is seen as an increase. Perhaps the Minister might look at this area.

Mr. Brennan: Is the Deputy talking about the CDA being added on to the contributory pension and being part of the contributory pension?

Mr. Stanton: Yes.

Mr. Brennan: The contributory pension is not taxed as such but if it is added to other income which takes one above the threshold of tax allowances, then it is taxed. Perhaps that is what is happening in this case. CDAs are not taxed as such—

Mr. Stanton: That is correct but when it is added on, it is.

Mr. Brennan: —but if it is added on to other income, I could see how it would fall into the income net. I will take a look at it but I suspect the answer is as I stated, that if the total income from whatever sources — one's welfare and non-welfare income added together — brings one over the limit, then one pays tax on the combined figure.

Social Welfare Benefits.

2. **Mr. Penrose** asked the Minister for Social and Family Affairs his views on whether it is intended to introduce a new social services card for lone parents that will require the holder to collect lone parent payments between Thursday and the following Tuesday and that if this is not done, the payment will be forfeited; if his attention has been drawn to the difficulties that this could create for lone parents who are ill or away for a few days; if this decision will be reviewed; and if he will make a statement on the matter.
[4760/06]

Mr. Brennan: The one-parent family payment is the income support scheme for separated, unmarried and widowed persons and also for prisoners' spouses bringing up a child or children without the support of a partner. At the end of December 2005, the total number of one-parent family recipients being paid by my Department was 83,066, including 906 widowed persons. Under the scheme, lone parents are encouraged to maximise their income from different sources and the means test for this scheme provides for the exemption of significant levels of earnings and maintenance payments.

Following a review of the arrangements for administering the scheme, it was decided that services should in future be provided through my Department's local offices. The primary aim of providing services at local level is to improve customer service by reducing claim processing times through closer linkage with the local officer network. This also brings lone parents into direct contact with my Department's employment support services.

My Department processes new applications for the one-parent family payment at 36 social wel-

fare local offices. The benefits of administering these claims at local level are already evident as the average processing time for claim applications has dropped from 16 weeks to an average of seven weeks since the change. Some 17,000 claims for the one-parent family payment are received each year — equivalent to 330 per week on average.

As part of the preparations for moving the administration of the one-parent family payment scheme to local level, some 44,000 one-parent family payment customers who prior to this were paid by means of an order book will, from the middle of this month, collect their payment in post offices by using their social services card. Under this system, the payment should be collected by close of business on the Tuesday following the Thursday payday. If the payment is not collected by then contact should be made with the Department. If the customer has been unable to collect the payment, for instance due to illness, work commitments, holidays etc., arrangements are made to have the payment reissued.

Additional information not given on the floor of the House.

This payment method has been in operation for certain one-parent families for some years. Approximately 6,000 one-parent family payment customers receive their payment weekly using this payment method and they are generally satisfied with the arrangement.

My Department has written to each lone parent customer advising him or her of the change of payment method. In addition, a meeting took place with lone parent representative associations at which the matter was discussed. Although existing customers on this payment method are satisfied with the system, I have asked my officials to review the situation regarding the period for collection of these payments with a view to extending it if possible. Any customer having difficulty with collecting the payment every week can contact the one-parent family payment section in the pension services office in Sligo which provides advice on a range of other payment options.

Mr. Penrose: The Minister said that several reports in his Department have been put together and will be subject to ongoing review. Why start making unilateral decisions without consulting any groups representing lone parents? This may represent another obstacle or hurdle to vulnerable people. What happens if somebody falls ill on a Thursday morning and cannot go in to collect his or her money and is in hospital until the following Wednesday? Does the Minister not agree that the old book system, which allowed people three months to cash the payment, enabled them to deal with such a problem or go on a vacation?

This change is designed for administrative simplicity at minimum inconvenience to the bureau-

crats but maximum inconvenience to the unfortunate people depending on this measly sum. This is a retrograde step. I ask the Minister to reconsider it. Would it not be better to give people the option to use a book order or the electronic system? That would take cognisance of the situation I have outlined.

I did not know this was happening until lone parents contacted me. They feel this places another obstacle before them. It seems to be consistent with some of the policies emanating from the Minister's Department which says one thing but does another to create further impediments for people.

Mr. Brennan: This new arrangement is a result of the localisation of the payment of one-parent family allowances which has reduced the processing time from 16 weeks to seven weeks. When preparing my response to the Deputy's question I read the background material, including the circular that issued about this change. It states that payments will be in the post office on Thursday and must be collected by Tuesday. I have instructed the Department to re-examine that urgently and instructed that a period of two weeks at least be allowed. It is not clear whether I can do this but I will know within a week or two if it is technically possible to do so.

I appreciate the Deputy's raising the matter and agree that the stated period is too short. This constraint already affects people on unemployment assistance and benefit and the computers in the post office network are set up on this basis. That is why the change was made. It was not to inconvenience anybody. I give an assurance that no lone parent will be without his or her funds for any period while we go through this process. Electronic funds transfer is available to people in the welfare system and an increasing number of people avail of it. They find it secure and easy to manage.

I ordered that review in recent days and specifically proposed that we push the time limit out to two or three weeks, but probably not much beyond that. Even within the existing period the funds do not disappear. One must make other arrangements to collect one's money because it cannot languish indefinitely in the post office.

Mr. Penrose: I thank the Minister and assure him that the flexibility he suggests of even a couple of weeks would be very welcome.

Pension Provisions.

3. **Mr. Boyle** asked the Minister for Social and Family Affairs his plans to establish a national forum to debate the issues raised in the recent national pensions review report; and the parties which will be included in such a forum. [4762/06]

Mr. Brennan: One of the most important policy challenges facing this country and this generation is the foundation for the future retirement in

security and with dignity of all of our people. There is no quick fix for the problem that almost half the country's workforce of 2 million people do not have personal pensions. Ireland is not unique in having a future pensions problem. All around the world, governments and societies are grappling with the impending crisis of a population structure in which older people far outnumber younger workers. Ireland's response to the challenges and opportunities posed by this rapid social, economic and demographic change will influence the future shape of our society for decades to come.

The national pensions review, which was published on 17 January, is a comprehensive review of our pensions system, including the appropriateness of the targets we have set for ourselves and how we might make progress towards these in the future. Reforms are required if we are to reach our targets and the debate is about how we will do this. The Pensions Board has recommended enhancements to the existing voluntary system as the way forward. We may, however, need to consider much more radical measures, including a mandatory or quasi-mandatory system. This gives rise to some fundamental issues which, as a society, we need to debate.

For that reason, I intend, with the co-operation of the Pensions Board, to convene a national forum to debate the central issues and to hear the view of all stakeholders on the way forward. Planning for the forum is advancing and, subject to the availability of keynote speakers, I hope it will take place within the next two months. I will invite public representatives, social partners, industry representatives and those representing the interests of pensioners. While the main purpose of the forum is to hear the views of stakeholders on the conclusions of the national pensions review, I also intend to invite speakers to outline major reforms proposed or undertaken in other countries.

The Government and I will continue to show leadership and to keep pensions firmly on the national agenda. In time, the Government will reach conclusions on the various proposals and seek to achieve consensus on how best to lay down the foundation for the future retirement security that we want all to enjoy. I hope the proposed forum will help us in that process.

Mr. Boyle: Where stands the Government's pension policy? The report of the Pensions Board made recommendations that the Minister did not want to hear. Some of the recommendations, bizarrely, seem to increase inequality in pension entitlements. The forum, which might have a value in itself, will meet and report while at the same time the Pensions Board is being reconstituted and going through the same process it went through in the review. When will the discussions and debates finish and the recommendations come to a head and be acted upon? These are

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decisions that will need to be made in the short term by this or any following Government.

Mr. Brennan: I have said many times that these are major inter-generational questions and I do not believe there is any quick fix for them. We are trying to begin a process that will allow for decisions to be made as quickly as possible. I have not delayed on this and I brought forward the national pensions review by a year. The review produced a raft of proposals within a few months, many of which are being considered by the Government. It made proposals about SSIA, PRSAs and the retirement age. Some of these proposals have significant tax implications and some have almost philosophical implications. For instance, there is a view that the State has no business enforcing mandatory pensions on anyone while the counter view is that a just society should provide mandatory pensions. The Government decided to publish that report. I will shortly call the national forum to hear international views from speakers from around the world and then try to pull the debate together with concrete proposals in the course of this year.

I do not wish to give the impression that there is a quick fix solution. Half the population does not have pensions. The question is how far any Government should go in insisting that pensions are provided. Tax reliefs of more than €2.7 billion are currently available. The budget proposed a scheme for people to take their money out of SSIA accounts and invest it in pension funds on a once-off basis. The pensions issue is on the national agenda in a way it has not been for many generations. This is a good chance to bring it to fruition which is what I hope to do this year.

Mr. Boyle: Will the Minister accept that following the budget measures the situation is now more confused with the Government taking short term measures that may cause problems in the long term? There is no certainty about the long-term decisions to be made by him and the Government.

Mr. Brennan: The budget decision was very practical because the SSIA's are coming to maturity so the Government needed to move quickly to make it clear there was an alternative for those taking money out of an SSIA. The alternative is that if €7,500 of SSIA money is invested in a pension fund for retirement purposes, the State will donate €2,500 on top of that, being a cash payment to top up the €7,500. This means it will be possible to put €10,000 out of the projected €20,000 from an SSIA account into a pension fund. This will be a once-off payment because the SSIA money is once-off. The pension board review has recommended a version of this proposal to become a permanent feature and this will be decided upon in the course of the year.

National Economic and Social Forum Report.

4. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the recent NESF Report No. 33, Creating a More Inclusive Labour Market (January 2006) which highlights the ever increasing inequality of society here; his views on the findings of the report; the action the Government intends to take as a result; and if he will make a statement on the matter. [4937/06]

Mr. Brennan: Since its establishment, the National Economic and Social Forum gave considerable time and consideration to labour market issues.

I welcome this latest report by the NESF which provides a significant and timely contribution to consideration of labour market strategies. The report covers a breadth of issues and the implications extend way beyond the social welfare system to include local partnership-based strategies, labour market and social inclusion measures and structures, make work pay policies, the national employment services, workplace strategies and progression of low-skilled workers.

The Government recently noted the contents of the report and agreed that it would be considered by all relevant Departments and agencies, and also by the senior officials group on social inclusion, chaired by the Department of the Taoiseach, in the context of wider labour market issues.

The report recognises that the market place is the main force in determining the quantity and quality of work available. However, this report highlights the existence of labour market vulnerability for many seeking work and within the workforce and identifies a number of interacting factors which may create this vulnerability for individuals and groups of people, even in today's tight labour market.

The report notes that more than €1 billion of State funding is being spent annually on measures aimed at helping people into work and tackling problems associated with labour market vulnerability. This encompasses the work of a number of Departments, including the Departments of Enterprise, Trade and Employment and Education and Science, as well as my Department.

To improve upon how this spending meets its objective, the report recommends that a national strategic framework should be developed to provide better opportunities in this area. This would ensure coherence and integration in a co-ordinated response to improve access to employment, training and education and to finding better quality jobs on the labour market. A more integrated strategic framework would be useful.

The report makes a number of specific recommendations with regard to the future direction and administration of social welfare employment supports and the family income supplement scheme. My Department is considering these as

part of the overall Government response to the report.

Mr. Stanton: Does the Minister note that the report also said the €1 billion could be spent more effectively? Does he agree with the report when it states there is now a wealthier but more unequal society than ever before? The report records that the richest 20% of the working age population earns 12 times as much as the poorest 20%, that there is less equality of opportunity in Ireland than in many other European countries and this has changed little over the past decade, that 14% of households in poverty are headed by an unemployed person, a rise of 7% since 1994, that Ireland ranks 51 out of 56 countries in terms of equality of economic opportunities for women and has one of the highest penalties in pay reduction associated with motherhood and that 13% of Irish people are early school leavers with an employment rate of 18% and 63% for Traveller children. Only one third of those entitled to the family income supplement apply for it whereas a similar payment in New Zealand has a 92% take up.

Will the Minister not agree that this report is an indictment of Government policy to date and that its policy has failed on many fronts? Can he name one action he will take to follow any of the recommendations in this report to address these matters?

Mr. Brennan: I have begun to implement the report's recommendations by substantially increasing the family income supplement payment—

Mr. Stanton: They are not taking it up.

Mr. Brennan: —in the recent budget. I will announce within the next weeks a major media campaign on radio and television and in the newspapers to promote the family income supplement. I have recently agreed a departmental budget to promote the family income supplement which provides quite an assistance top-up to family income. It is aimed at those on low incomes and I acknowledge the take-up is not satisfactory. For that reason I have requested that everybody on low income be communicated with directly by the Department to bring the scheme to their attention.

I do not agree with the concept of there being less equality of opportunity. I agree that society is more unequal.

Mr. Stanton: The rich are getting richer and the poor are getting poorer.

Mr. Brennan: There is a plethora of BMWs and mercs floating around this town and in the country generally because people are well-off. There is new wealth which can get in one's face and be fairly gaudy and a bit flash at times. It is one of

the by-products of a society that is becoming wealthier.

I find the comment that there is less equality of opportunity a little harder to handle. Apart from any empirical evidence, there is evidence all around of the massive opportunities, including for people who find themselves in vulnerable positions. They can avail of back to work and back to education allowances, FÁS training schemes, family income supplements and more than 36 different schemes over eight Departments with €1 billion targeted to help people get back to work. The statistics show this has been quite successful. We have managed to activate thousands into work and back to education. I therefore take issue with that section of the report.

Mr. Stanton: Will the Minister agree with the point made in the report that poverty traps are the main problem and that they are being created by the too-rapid withdrawal of a person's secondary benefits when taking up employment? This has been exacerbated by the growing complexity of the means tested benefit system and lack of indexation of household means tested income disregards before secondary benefits are lost. Has the Minister any intention of examining these issues and taking action as a result of his examination?

Mr. Brennan: This is being undertaken. We are fully committed to tapering as opposed to immediate withdrawal of any allowance. Tapering was introduced in the recent budget in a dramatic way and I will continue the practice. The Deputy would not be very enthusiastic about indexation if he considered it further. If welfare benefits were to be indexed to inflation or even to wages, the recipients would be worse off. For example, child benefit has doubled in approximately four years and no indexation would have increased it to that extent. I know it is a neat argument for discussion but I think they are doing better without formal indexation.

Social Welfare Benefits.

5. **Mr. Penrose** asked the Minister for Social and Family Affairs the reason his Department continues to treat joint bank accounts as income for the purpose of assessing entitlement to a qualified adult allowance; if his attention has been drawn to the fact that such treatment can sometimes mean that pension lump sums and redundancy lump sums when saved in a joint account are assessed as income for the qualified adult allowance; his plans to change this practice, as requested by the senior citizens' parliament; and if he will make a statement on the matter. [4761/06]

Mr. Brennan: I consider that the current arrangements concerning entitlements to a qualified adult allowance are reasonable in the circum-

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stances, particularly having regard to a number of important improvements I introduced in budget 2006.

As the Deputy is aware, in the case of contributory pensions and most other contributory and non-contributory social welfare payments, a qualified adult allowance, QAA, is payable in respect of a spouse or partner who is wholly or mainly maintained by the claimant.

Account is taken of the spouse or partner's income for the purposes of determining whether the spouse is wholly or mainly dependent. A spouse or partner's income includes income from employment, self-employment, income from other sources such as rents from the letting of property, income from occupational pensions and foreign social security payments, as well as income from capital.

Where capital is in the joint names of the claimant and spouse or partner, both parties are the legal owners of the capital. As a result, in such cases, my Department assesses half the capital against each, as the Deputy knows. Prior to budget 2006, a qualified adult allowance at the maximum rate was payable where the spouse-partner's income was less than €88.89 per week and tapered reduced rates were payable where income was greater than that but less than €220 per week. A qualified adult allowance was not payable where income exceeded €220 per week.

On budget day, as part of my reform programme, I was pleased to announce a number of further improvements to these means testing arrangements, including an increase in the spouse's income threshold for entitlement to the qualified adult allowance from €88.88 to €100 a week. This improvement comes into effect on different dates, depending on the scheme, during the course of 2006. Another improvement to the means testing arrangements features an increase in the upper threshold for entitlement to a tapered rate of QAA to €240 with effect from January last, and to €250 when the lower threshold increases to €100.

When these improved arrangements are in place, and assuming that the spouse-partner has no other means, a full rate QAA will be payable where the spouse has capital of up to €58,000. Capital between €58,000 and up to €95,000 will give entitlement to a reduced rate of QAA. This will mean that a pension or redundancy lump sum, to which the Deputy's question refers, lodged in joint names, would have to be in excess of €116,000 before it would affect entitlement to a full rate qualified adult allowance.

If at any time the amount of capital held by the spouse or partner, either jointly or singly, is reduced, they can request my Department to reassess their entitlement to a QAA payment.

The provisions I have outlined offer substantial flexibility to those couples where a pension or redundancy lump sum is a factor, but the matter will be kept under review.

Mr. Penrose: I thank the Minister for his detailed and comprehensive reply. He is aware that this proposal emanated from the senior citizens' parliament, which is deeply concerned about it. That group has articulated a number of significant issues concerning the elderly who have served this country well. We should therefore pay particular attention to the matters raised by the group.

In a number of cases, spouses were fully deprived of the adult dependant allowance simply because the husband — in most cases, although it could be the wife in other cases — invested a lump sum in the joint names of himself and his wife, which he had received due to redundancy, early retirement, severance or a commuted lump sum. These payments, which are made in lieu of wages, salaries or pensions foregone, have been subject to tax provisions. They are clearly identifiable as a result of the man's employment so this is not something that is mixed into a basket of items which the Minister is unable to identify or trace. The documentation and back-up is there to make them easily identifiable. The investment of this type of lump sum in joint names is made purely for easy withdrawal in the event of the death or incapacity of the other party. The Department's interpretation is that a spouse in this situation is deemed to be the owner of half the value of the lump sum, as the Minister said, which can place her above the level at which she can qualify for the adult dependant allowance.

I acknowledge that the Minister has increased that level significantly. He has stated that before losing the full allowance, a pension or redundancy lump sum, lodged in both names, would have to be in excess of €116,000. The senior citizens' parliament considers this to be both unjust and illegal. Under the Building Society Acts the first person named on a joint account is deemed to be the sole owner of the account. This was the case even where mutualisation occurred. The people we are concerned about are likely to be spouses who remained at home to nurture and care for children and looked after the home while the man was the sole wage earner. That was the case in the old days, although it is not so much the case now. It is likely to apply to women who were forced to leave employment when they got married, under the terms of the marriage bar.

This issue does not apply to people who are on contributory old age pensions or spouses who have independent means through inheritance or other resources. I ask the Minister to review the situation in the context of people who are being deprived of something, although in legal terms it is not strictly theirs, because of a rampant process of imputation in the Department. The Minister's Department tends to impute matters without examining their background, which is an accountant's way of dealing with them. This issue should be reconsidered in the interests of fairness and equity to ensure that, in normal circumstances,

those people will get that to which they are entitled.

Mr. Brennan: If the Deputy is asking me to review it—

Mr. Penrose: Yes.

Mr. Brennan: —I will certainly do so. Now that he has raised the matter, I will have it monitored. There is, however, substantial flexibility here. If there is a joint account, say, from a redundancy or pension lump sum, and a couple is involved, one of whom is in receipt of a qualified adult allowance, they will have the choice of lodging the lump sum in their joint names or to one person. If they lodge it to one person, it will not be accessible and does not affect the other person who will get the qualified adult allowance even if the spouse has over €116,000 in his or her account, because that would not be counted. If, on the other hand, they put the lump sum into a joint account, the rule is that we assess half of that as the means of the person who is seeking the qualified adult allowance. They may be disbarred from it for that reason.

In short, there is no reason for any couple not to use the flexibility that is there. They can choose to put the money in the name of one person or in both names. If they choose the latter, it may affect their benefits but if they put it in one name, it almost certainly will not affect their benefits. Therefore, it is fairly logical what advice they should be given. Unfortunately, there are dotted lines to this in the whole legal area of probate, to which the Deputy has referred.

Mr. Penrose: It is a complicated matter.

Mr. Brennan: I suspect that it is complicating life somewhat for them.

Mr. Penrose: Yes, it is.

Mr. Brennan: I will monitor the situation but there is sufficient flexibility there for a lump sum not to be the cause of ruling out a person getting a qualified adult allowance, which was the Deputy's main concern. As I said in my initial reply, if they have it in a joint account and wish to reassess that and split it up, we will certainly co-operate with them.

Other Questions.

Social Welfare Benefits.

6. **Ms McManus** asked the Minister for Social and Family Affairs the steps he has taken or plans to take to implement the recommendations contained in the report of the Joint Committee on Social and Family Affairs, the Position of Full-

Time Carers; and if he will make a statement on the matter. [4715/06]

19. **Mr. Stanton** asked the Minister for Social and Family Affairs the services, supports and programmes his Department has in place to assist young carers under the age of 18 years; and if he will make a statement on the matter. [4663/06]

41. **Mr. S. Ryan** asked the Minister for Social and Family Affairs his views on the recommendations of the NESF report Care for Older People for which his Department has responsibility and in particular the recommendation of a broad-based group to develop a national strategy for carers; and if he will make a statement on the matter. [4698/06]

46. **Mr. English** asked the Minister for Social and Family Affairs the financial supports in place to help carers who are under 18 years of age; and if he will make a statement on the matter. [4657/06]

49. **Mr. Kehoe** asked the Minister for Social and Family Affairs if he has held discussions with the Department of Health and Children on the development of a national strategy for carers as recommended by the National Economic and Social Forum report Care for Older People, 2006; and if he will make a statement on the matter. [4665/06]

68. **Mr. Hayes** asked the Minister for Social and Family Affairs the services and supports, financial and otherwise, his Department provides for young carers in the 15 to 17 year age group, in particular those who have left formal education to take up full-time care duties; and if he will make a statement on the matter. [4662/06]

72. **Mr. Hogan** asked the Minister for Social and Family Affairs, further to discussions with the Department of Health and Children and the development of a national strategy for carers, if he expects to have the strategy operational within the next 12 months as recommended by the NESF report No. 32; and if he will make a statement on the matter. [4664/06]

138. **Mr. Durkan** asked the Minister for Social and Family Affairs his plans to extend the carer's allowance to the much wider group caring for relatives thereby supporting community care as opposed to institutionalisation; and if he will make a statement on the matter. [4906/06]

Mr. Brennan: I propose to take Questions Nos. 6, 19, 41, 46, 49, 68, 72 and 138 together.

Supporting and recognising 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 carer's allowance have been

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significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

I have examined closely the Joint Committee's Report on the Position of Full-Time Carers, which was published in November 2003. This valuable report makes a range of recommendations, many of which relate to my Department and a number of which concern the Department of Health and Children. In response to the committee, which stated that the greatest need identified by family carers is the need for a break from caring, I made provision to improve and extend the respite care grant as follows. Provision was made in 2005 for the extension of the grant to all carers who are providing full-time care to a person who needs such care regardless of his or her means. The grant is now being paid in respect of each person receiving care. Most recently in budget 2006, provision was made to increase the amount of the respite care grant from €1,000 to €1,200 from June 2006. To date, over 34,000 respite care grants have been paid by my Department and applications for the grant continue to be received.

The committee's report also recommends the development of a national strategy for family carers, as does the recently published report of the National Economic and Social Forum entitled Care for Older People. The Carers Association published a strategy document entitled Towards a Family Carer's Strategy. This is a focused document with clear objectives and actions covering a range of areas and Departments.

The issues raised in the NESF report and in the carers association's strategy were included in the deliberations of the long-term care working group. The report of this working group is being considered by the Government. However, work has already commenced in implementing the recommendations of this report with the announcement in the budget for 2006 by the Tánaiste and Minister for Health and Children of €150 million in funding for 2006-07 for home support packages and other community-based services.

The report also influenced the social welfare budget package in which I announced significant improvements in supports for carers. These include the largest ever increases in the rates of payment to carers. The rate of carer's allowance increased by €26.40 to €180 per week for a carer under 66 and the rate for carers over age 66 increased by €30.20 to €200 per week, making it the largest single welfare support payment in the State. The rate of carer's benefit increased by €17 to €180.70 per week. These represent increases of more than 17% for recipients of carer's allowance and serve to acknowledge and support the invaluable work of our family carers.

In addition, from June this year, I am increasing the number of hours a carer may work and

still receive a carer's allowance, carer's benefit or respite care grant from ten to 15 hours per week. I am also extending the duration of the carer's benefit scheme from 15 months to two years. The duration of the associated carer's leave scheme will also be extended to two years.

In line with the Government commitment to expanding the income limits for the carer's allowance so that all those on average industrial incomes can qualify, I am increasing the weekly income disregards to €290 for a single person and to €580 for a couple from next April. This means that a couple with two children can earn up to €32,925 and receive the maximum rate of carer's allowance while the same couple can earn up to €54,400 and receive the minimum rate of carer's allowance, free travel, the household benefits package of free schemes and the respite care grant.

Carer's allowance is payable from the age of 18. I recognise that special help, advice and support is essential for young carers who care for a parent and, in particular, that services must be put in place to support the household and ensure young carers remain at school. These include the services of home helps, public health nurses and home care packages generally, which are a matter for my colleague, the Tánaiste and Minister for Health and Children. There was a significant increase in the funding for these services in the recent budget.

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. I will continue to review the issues raised by the Oireachtas joint committee and other bodies representing carers and I will continue to strive to bring forward, in as tangible a way as I can, proposals that recognise the valued and valuable contribution which carers make to the country.

Mr. Penrose: I thank the Minister for his reply and I acknowledge that he has made some movement on the report on carers by the Oireachtas joint committee. However, this is like a chicken in a trough, picking up an odd piece of oats, or like taking any crumbs that fall from the rich man's table.

Carers save the State €2 billion. That is incontrovertible. Nevertheless we claim credit for throwing them an extra €25 or €30. That is pickings from the rich man's table. It is time we implemented the carers' strategy. The Minister's predecessor ruled it out, but we have seen a few caring bones in the current Minister. It is time he accepted the carers' needs assessment Bill which we brought to this House.

We talk of crossing the Border and of equality of treatment, but if the Bill is good enough to put on a statutory basis in Northern Ireland, why is it not good enough for this State where 150,000 carers work on the cheap for the minimum wage? That is what we give them. We treat them with

disdain and do not give them the recognition their work deserves. We underestimate the physical and emotional demands of caring for a relative or friend who is ill or disabled. We hear all about this on radio programmes at our clinics.

The Minister has made some advances but it is time to do more, to do what the Labour Party has demanded: abolish the means test, simplify the system, acknowledge the role of carers in this society, and acknowledge that they each save the State €600 or €700 per week by caring very well for people in their homes. The Minister must acknowledge that people want to stay in their home environment where possible. Let us give €200 to anyone who is at home looking after such people.

We have identified those caring for 15 hours per week or more. The Minister has set the parameters for the respite care grant. He has laid the foundation. Now, it is simple to identify the people giving that number of hours. Now is the time to tell them that society has hitherto let them down, to ask them to forgive us our trespasses and failings, and to promise them some small share in the wealth of this country.

I am sure some of the frequenters of the Galway Races tent would like to salve their consciences by ensuring those who are less well off, who spend 24 hours a day, seven days a week, 52 weeks a year except for a little respite care, which is minimal, have access to their drippings of wealth to care for people who have saved this country many billions. Meanwhile, many other people flee this country to save money and tax while carers are at home, saving the country many billions. It is time we recognised them.

Mr. Brennan: The cost of removing the means test for carers' allowances stands at €140 million.

Mr. Penrose: Chickenfeed. The Minister should go for broke. He will be a hero.

Mr. Brennan: I tried that before and it did not work.

Mr. Penrose: Shame on the Taoiseach if he were to remove the Minister for taking that action.

Mr. Brennan: This is an interesting debate which I do not mind having on the floor of the House, and I have an open mind. This year, by means of the budget, I am spending €53 million on carers. Arguably, I could have said I would not spend that money on carers and remove the means test instead. However, that would have meant people on very high incomes being entitled to carers' allowances. That may be justified from the point of view of keeping people out of nursing homes, and that is a debate we should perhaps have in the House or at a meeting of the joint committee.

Is it better for me to do what I did with the €53 million in the recent budget — raise the carer's allowance by €30 to €200, the highest of all welfare allowances? Am I to increase the respite care grant, which is not means-tested and is received by more than 34,000, to €1,200 and increase the disregard, which would benefit people on substantial incomes by allowing for an income of up to €58,000 to be disregarded? Are we better off investing the funds in that way — increasing the payments and disregards — or to sweep aside the means test and pay the grant willy-nilly to everyone, irrespective of income?

So far I have taken the view that fairly dramatically increasing the disregards, taking an increasing number of people into the net and allowing people to earn more money before we refuse them the carer's allowance represents the better way forward. It is worth noting that a mere four years ago, the expenditure in this area was €99 million and is now €220 million. Accordingly, there is a substantial investment by the taxpayer, with 25,000 people receiving the allowance. I have an open mind on removing the means test. The issue for me is one of fairness and equity, whether it is a decent thing to remove a means test and pay taxpayers' money to people on very high incomes who do not need it and can make other arrangements.

Mr. Stagg: As with the children's allowance.

Mr. Brennan: Yes, that is how the child benefit operates. I am interested to see the argument for removing the means test should come from the Labour Party benches. It would normally come from other quarters. I have an open mind about it. The question for me on the €140 million is whether to target it and increase the amount of money for the disregards and respite care down the line or spread it thinly across everybody. That is a debate to which I will listen this year in the course of preparing for next year's budget.

Mr. Stanton: We will all be interested in getting involved in the debate. I will ask the Minister to focus on young carers, to whom he alluded very briefly in his response. Does he agree with research carried out by Barnardos in 2004 stating that there are up to 3,000 young carers caring for various degrees of time, some as much as 14 hours per week, but more than 200 carers caring on a full-time basis? Does he agree that this can affect the young person's future prospects and lead to feelings of sadness and isolation, and create difficulties in making friends, for example?

Does the Minister know of or intend to commission research into this area and the impact of caring on young carers' lives? Has any research been carried out by the Government into this area? Is he aware of research carried out by Dearden and Becker in 2002, which stated: "Where support services and family income are adequate, children will not usually adopt a caring

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role"? Does the Minister agree that this is a significant problem for many families, young people and children and that it has, until now, been largely ignored by the Government?

Is it true that carers who are younger than 18 years of age are not eligible to receive carers allowance? They would not have made enough PRSI payments to receive carers benefit. As an interim measure, will the Minister examine the prospect of reducing the age restriction for carers allowance to allow some of these carers to get something for their work? Does he agree this hidden problem needs urgent attention and that it is not enough to just talk about giving help and advice without giving major support? What help and advice are they getting? Until now, it appears that they have not got very much.

Is the Minister aware that young carers are losing out on education in many instances? They cannot go to school or, if they can, they are worried about the persons at home who need care and who they are leaving behind. They must take time off from school, leave early and so on. Up to 3,000 people are involved to some degree, a possible 200 full time and 300 for almost half of their time.

Mr. Brennan: I thank Barnardos for its research in this area. I agree with the Deputy that we must examine this matter closely. Carer's allowance is not paid to anyone under the age of 18 years. As the Deputy stated, a couple of hundred people are involved full time. I would not quibble with that figure as it sounds about right. I do not know whether there are 3,000 part-time young carers but I have asked my Department to examine Barnardos research and determine whether we can reach a meeting of minds.

We must consider another issue. The carers allowance could be extended to 16 year olds. With just a few hundred people in question, it would not be very expensive, but the Deputy will agree it is probably not the answer.

Mr. Stanton: That is right.

Mr. Brennan: Our 15, 16 and 17 year olds should not need to be full-time carers. The challenge is to get them out of those positions. On balance, I would be against paying carer's allowance to people under 18 years of age. We should try to focus on solving their problems through the HSE, education service, my Department's service and so on. We should try to bring all the State's services to bear so that a 16 or 17 year old does not need to be a carer.

Mr. Stanton: Yes.

Mr. Brennan: If it is the case that the person absolutely must be a carer, we must examine what type of income support we can manage but I do not want to put an incentive in place, as it

were, to encourage that number to grow. I share the awareness of this fairly substantial societal issue with the Deputy and have asked the Department to examine it.

Mr. Stanton: When will we see action in this area? This report was published in 2004. We have had several discussions on this matter in committees, including last year with the Minister, but I have yet to see action.

It is a serious matter for the young people involved and I welcome the Minister's acknowledgement of that seriousness. The Minister should give himself a target, a benchmark for action from the Department. Will the Minister raise this matter at the Cabinet as one that must be examined? It is wrong for young people of that age to be forced to care for elderly relatives, parents and siblings in some instances. Action is needed urgently.

Mr. Brennan: I will press on with the issue as quickly as I can. The Deputy and Barnardos have highlighted it, but the answer is not simple. I am not in favour of paying carer's allowance to these people.

Mr. Stanton: That is only a stopgap.

Mr. Brennan: I agree. The issue, therefore, is determining how to ensure that they get to school and the persons they are forced to care for are cared for in some other way.

Mr. Stanton: That is more important.

Mr. Brennan: We could care for them by putting them in residential care or organising home help for them. It is a joined-up Government issue and I will put some pressure on.

Mr. F. McGrath: In respect of the carers issues raised in Questions Nos. 16 and 19, does the Minister agree that we must seriously value the carers in our society and be more supportive of them? I accept that we have moved in the right direction in recent years but the reality on the ground for many people is that there are still major problems. Does the Minister accept this reality? The Minister mentioned €220 million in support packages but we must acknowledge that this has saved the Exchequer approximately €2 billion.

We need a debate on the nursing homes issue as most elderly and disabled people do not want to find themselves in that situation. From talking to many different groups of elderly and disabled people, the preferred option is to live at home. Will the Minister examine the prospect of putting more supports in the home?

We must wake up to the reality that many young carers are in difficult situations. It is difficult and stressful work and these young people are not allowed to live out their childhoods. We must support them. The figure may be as low as

200 to 300 full-time carers. I accept the Minister's point that he does not want to pull these people out of the education system but we must target supports for them and the other 3,000 young people directly involved in caring. Will the Minister make these issues priorities when he goes to the Cabinet?

Dr. Cowley: I wish to raise two issues with the Minister. First, we were talking about young carers but a large number of people caring for others are spouses and are themselves elderly. What provisions has the Minister in mind in respect of caring for the carers? Who cares for the carers? Many carers who have precarious health problems need support.

Second, I wish to address the community and voluntary aspects of carers. My feeling is that communities and voluntary groups in communities have carried out and are carrying out important work to support and alleviate the problems of older people. In other countries there are more local levels of distribution of funds and supports. I am involved with community supports. Would the Minister be in favour of giving more power to communities and voluntary organisations within them to provide these supports rather than their coming from on high? Community groups probably have more cognisance and would be better apprised of supporting people at home, thereby keeping them out of institutions and away from expensive hospital services.

Mr. Brennan: I agree with Deputy Finian McGrath that there are still problems in respect of carers and the distance to be travelled. We have managed to make substantial improvements but I intend to keep up that pressure. I acknowledge that carers save the taxpayer funds, which is one of the reasons carer's allowance was started in the first place, namely, to encourage people to be cared for at home to keep the pressure off the formal system. Apart from this, research has shown that it is better for the individual.

The Deputy asked about long-term care issues, on which the Tánaiste recently spoke and announced a number of initiatives. She and I are working together on a group dealing with long-term care with the clear objective of leaving as many people at home as possible, expanding home care programmes and trying to augment them so people do not need to go into institutions. That is the way forward and she and I are working on that. I note what the Deputy said about young carers and I replied to that point earlier in response to Deputy Stanton.

Deputy Cowley asked who cares for the carers. I met the Carers Association some time ago. It pointed out that a strategy for carers is needed and I accept this and will have further discussions with the group on that. Allowances are supposed to be income support rather than remuneration

for carers, who have much stress and pressure. If we are to develop the carers system we must find ways to give the carer a break, not just through respite care breaks but by developing the carer's professionalism and the carer support system. The better the carer is, the better the care given to the person who needs it. I accept we must continue to make improvements in that area.

The Deputy's final point referred to community and voluntary groups and it will never be a case of choosing between these groups and the State. There is a clear role for the State through its health and welfare service and there is a case for community and voluntary groups to lead reform where it is needed. Many reforms in this House have come from proposals and suggestions of community and voluntary groups. Many of the improvements to the welfare system referred to today are a direct result of representations, research and campaigning by voluntary and community groups. These groups, dealing with people every day, are able to raise the matter and it is often resolved at a formal level in this House. Formal State services and community and voluntary services must co-exist because one needs the other.

Mr. Crowe: I know of a family in my constituency where the husband is in a wheelchair in need of care, whose wife has tried to commit suicide twice. I would have thought various resources would be made available to support the family but this did not happen for various reasons. The Minister refers to costs but we have a successful economy. Who is the economy for, if not for people such as the person to whom I referred and other carers? The Minister referred to a debate but most carers are sick and tired of debate and wish to see action. The Minister claims action has been taken but the gap still exists for many of these families. If we are having a debate, let us address the question of who the economy is for, if not for people such as this. We should spend money on these types of families.

7. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will extend free travel to older Irish emigrants, at the very least to Irish pensioners living in the UK, when they return here on their holidays; and if he will make a statement on the matter. [39320/05]

17. **Mr. Wall** asked the Minister for Social and Family Affairs if a decision has been made in regard to a request that free travel facilities within this country be extended to Irish people living abroad for the period when they visit here; his views on granting this concession to such persons who are in receipt of the Department of Social and Family Affairs old age pensions. [4724/06]

Mr. Brennan: I propose to take Questions Nos. 7 and 17 together.

The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability welfare payments, such as disability allowance, invalidity pension and blind person's pension.

People in receipt of a social security invalidity or disability payment from a country covered by EU regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been on this payment for at least 12 months, are also eligible for free travel.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by more than 80 private transport operators. The free travel scheme applies to travel within the State and cross-Border journeys between here and Northern Ireland.

There have been a number of requests and inquiries about the extension of entitlement to free travel to Irish born people living outside Ireland, or to those in receipt of pensions from my Department, particularly in the UK. The legal advice available to me is that such proposals would be contrary to the EC treaty, which prohibits discrimination on the grounds of nationality. However, I am continuing to examine all aspects of a possible scheme as recognition of the contribution of emigrants to the growth of this country is a priority of the Government.

Significant improvements have been made to the free schemes, including the free travel scheme, in recent budgets in terms of the qualifying conditions and the coverage of the schemes. I will continue to review the operation of these schemes with a view to identifying scope for further improvements as resources permit.

Dr. Cowley: I thank the Minister for his reply. I challenge him to try harder to ensure free travel for our emigrants when they come home to Ireland, particularly on holidays. I am disappointed it has not happened to date though I do not doubt the sincerity of the Minister's belief that this should happen. The Minister cannot use economic arguments as these people are economic migrants who gave €3.5 billion to Ireland when we had nothing, helping us in our darkest hour.

This issue is of fundamental importance to our emigrants as it is symbolic. The task force on emigrants highlighted this issue as something near

and dear to their hearts. Emigrants returning to Ireland on holidays feel they are lesser citizens because they do not have free travel. The Minister's reply in December 2005 stated that free schemes had been extended but emigrants on holidays were precluded on the grounds that it would be discriminatory to other EU citizens. I told the Minister he should examine this again as there is a common area of travel between Ireland and the United Kingdom that has existed and been recognised since before we were members of the EU.

The Minister stated he would take my advice on board and would continue to examine any available options. Has the Minister any news? There is a limited timespan as these people will not live forever. They have done much for us but we have forgotten them and we now have an opportunity to do something for them. Will the Minister use the window of opportunity?

Mr. Brennan: I acknowledge the work Deputy Cowley does in this area and I have had many meetings with emigrant groups in the United Kingdom in the past year. Deputy Stagg has also raised this matter in the House and elsewhere. I want to extend free travel to those living in the United Kingdom in receipt of Irish pensions. Some 45,000 people in the UK receive pensions from my Department. I am strongly advised, in the starkest terms, by the Government's legal services and the Attorney General that it is not possible to extend free travel to those living in the United Kingdom without extending it to all EU citizens. I would have to extend the scheme to people in France, Spain and other states.

I have prioritised North-South travel and am making progress on that following a number of meetings with the authorities in Northern Ireland. Currently, our pensioners can travel in Northern Ireland for free and I wish to deal with this issue within a couple of months. The issue of those living in the United Kingdom is more problematic but I have not given up on this. I have requested further legal advice and raised further legal questions to see if I can make progress. This is not a financial issue but purely a legal issue. I would welcome any thoughts Deputy Cowley has on this matter.

Mr. Stagg: The Minister's answer was mostly waffle. We did not ask him to outline the entire scheme, which we know very well. The Minister promised he would do his best to introduce this scheme but I feel let down, disappointed and ashamed by the lack of effort. I am determined to get the Minister to reverse his position. His advice is wrong, I advise him to ignore it, and I say this advisedly.

Is the Minister aware that in this week's *Irish Post* the Chancellor of the Exchequer in the United Kingdom, Mr. Brown, announced that he

will introduce free travel for Irish pensioners visiting England, and that his advice is different to that which the Minister received? His officials take a different view of the European legislation from the Minister's officials. I state now, as I stated before, that the Minister's advice is wrong.

Is the Minister aware that Chancellor Brown is also keen to see a reciprocal arrangement between the two countries, despite, as his officials put it, the opposition of the Minister for Social and Family Affairs, Deputy Brennan? Money is not an issue, as €150,000 is one twelfth of the total annual cost of the 24,876 Irish pensioners abroad in the first instance, and perhaps only one tenth of them might visit Ireland. It would only cost €15,000 for a full year if that number visited, which is unlikely.

The issue is simply the legality. The British authorities have now established to their satisfaction that there is no problem. They are gazumping the Minister by introducing free travel rights for all 600,000 or 800,000 Irish pensioners who may travel to England and avail of free travel. If they can do it, surely the Minister can do so also.

The Minister must stop hiding behind legalese and advice from legal experts. I ask him to make a decision. He should not seek any more advice. He is the Minister and he should make a decision to introduce this scheme for Irish people who would normally be entitled to free travel if they were living in Ireland and who visit Ireland on holiday.

Mr. Brennan: I am of the view, and I am legally advised, that Chancellor Brown will not be able to introduce a scheme to allow Irish people have free travel in the UK and not extend it to those from France, Greece, Spain and the other EU member states. While the *Irish Post* might state it, Chancellor Brown will not be able to introduce the measure on the basis outlined by Deputy Stagg. Chancellor Brown will not be able to give Irish people free travel and make French people pay. That is the strongest advice given to me.

I know the Deputy long enough. It is naive to suggest that any Minister can introduce legislation and ignore the legal advice available to the Government. It is not doubtful advice; it is advice in the starkest possible terms. I have not given up on free travel. Deputy Stagg's comment that I am in some way opposing it is wrong. I am a champion of this. I advocate and support it. It is not a financial or political issue. We must resolve the legal issue. I will continue to seek ways of doing so.

One option I recently examined was introducing legislation to attach the free travel to the Irish pension, thereby automatically providing it to those in receipt of Irish pensions in the UK. It would not be discrimination because only our pensioners would receive it. I will continue to

examine whether that is an option, although it will be difficult. I await the outcome of Chancellor Brown's efforts. I will inquire further into the scheme referred to by Deputy Stagg. I wish Chancellor Brown luck. I will be right behind him if he gets it through.

Mr. Stagg: The Minister has considered many items today on the basis of advice from the Opposition. If he cannot get around the difficulties he outlined, will he consider introducing free travel for all pensioners who visit Ireland? Perhaps it would be a great tourist attraction. It might be a good investment from the State's point of view to give such free travel at off-peak times. I do not know what the cost would be. If it works out at €74 per year, that divided by 12 is a small amount. I am sure anyone coming to Ireland would spend much more than that and leave a great deal of money in the country.

I do not expect a great flood of French, German, Latvian or Polish pensioners because they can get free travel on buses throughout the country at off-peak times. It is not an issue. Perhaps if the Minister cannot get over it in one way, he can get over it in another.

Mr. F. McGrath: I hope we have enough buses.

Dr. Cowley: The Minister stated the legal advice he received is that if free travel is given to one section of EU citizens, it must be given to all. The Minister stated a concession can be made for Northern Ireland to allow old age pensioners to travel to and from both jurisdictions, albeit a limited concession. Surely there is a precedent for extending that to the Irish pensioners living in the UK. Northern Ireland is considered part of the UK. What is the difference? If it is allowed for Northern Irish citizens and *vice versa*, why is it not allowed between here and the UK? It does not make sense.

Mr. Brennan: The regulations allow certain exemptions regarding cross-border and interterritorial travel to be applied if a land mass is contiguous, as Northern Ireland is to us. However, it is an aside. It is not the main issue. All I can state is that I will continue to examine this. I have not given up on it. However, I must be straight with the House. That is the position at the moment. I will certainly examine Chancellor Brown's proposal.

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 Burton — the need to provide

[An Leas-Cheann Comhairle.]

additional services round the country for victims of rape and specialised medical services for victims of sexual assault; (2) Deputy O'Connor — to ask the Minister the action he is taking to ensure the completion of the Shamrock Rovers stadium at Tallaght; (3) Deputy Deenihan — the Minister's plans in light of the closure of Glen Dimplex factory in Tralee, County Kerry, resulting in the loss of 70 jobs; (4) Deputy Gilmore — that the Office of Public Works stop work on the erection of a new telecommunications mast at Shankill Garda station, County Dublin; (5) Deputy Crowe — the reason vital funding was blocked for a multi-use stadium for Tallaght against the support of local public representatives; (6) Deputy Neville — Adare sewerage scheme; (7) Deputy Stanton — if the Minister will provide more funding to enable the community centre in Cobh, County Cork, to be completed; (8) Deputy Costello — the need for the Minister to address the financial discrepancy between the orphan and foster allowance; (9) Deputy Fiona O'Malley — to discuss the concerns of the Shankill residents about the erection of a telephone mast beside the Garda station in Shankill, County Dublin; and (10) Deputy Cowley — to ask the Minister the reason for the gross irregularities in the handling of a fatal accident involving a person (details supplied).

The matters raised by Deputies O'Connor, Crowe, Burton and Stanton have been selected for discussion.

Adjournment Debate.

Sports Capital Funding.

An Leas-Cheann Comhairle: As the first two items are related, they will be taken together.

Mr. O'Connor: I thank the Leas-Cheann Comhairle and I acknowledge the co-operation of his colleague, the Ceann Comhairle, in allowing me and my colleague, Deputy Crowe, to raise this special issue.

This week as I, along with Deputy Crowe, went about my business in my constituency serving not only Tallaght but also Brittas, Firhouse, Templeogue and Greenhills, many issues were brought to our attention. People spoke to us about the M50, the need for an estate project to be funded, the great news that at last we are to get a new Garda station and the debate on the National Children's Hospital's future in Tallaght.

Mr. F. McGrath: Temple Street.

Mr. O'Connor: I will debate that matter with Deputy McGrath another time.

I want to spend these minutes speaking about the importance of Shamrock Rovers and its vital role in my community in Tallaght. I will preface that by stating I am glad to acknowledge the presence of the Minister for State at the Department of Justice, Equality and Law Reform, Deputy Fahey. I recall he was a very progressive Minister with responsibility for sport in his day. He will be reminded of those days in this debate. I know he will support what I state. Unfortunately the Minister for Arts, Sports and Tourism, Deputy O'Donoghue, is not available to seek me out and speak to me on this motion. I acknowledge that.

I speak as someone who lives in and represents Tallaght and who, over the years, has greatly supported all sports development in my community. In that regard I want to mention the GAA. There has been much mischievous talk about the role of the GAA in this saga. Some recent newspapers have screamed that the GAA is to be run out of Tallaght. That is wrong and mischievous. I am supportive of all my local clubs. In fairness, successive Fianna Fáil Governments, and other Governments, have provided important funding for GAA development in local clubs such as St. Mark's, St. Ann's, Thomas Davis, St. Enda's and St. Jude's among others. It is important to make that point in the context of this motion.

This is about Shamrock Rovers, which has a long and proud history in Dublin. The saga regarding Tallaght has continued for a number of years. I was chairman of the council in 1999 when we took a brave and important decision to bring Shamrock Rovers to a new stadium beside Watergate Park in Tallaght. That decision was supported strongly over the years. Unfortunately, we have had problems getting the stadium opened. I do not want to cover all aspects as I wish to make a few points.

The wider community in the Tallaght region has a half-finished soccer stadium which could be of tremendous benefit. South Dublin County Council must make a decision next Monday to give the go-ahead to allow Government funding to be provided. There has been much toing and froing, particularly over the past couple of months. At its December meeting, the council took a decision to ignore the report that had been approved by the Tallaght area committee, which is a significant point. An amendment was unanimously adopted by the council to proceed on the basis of changing the plans to facilitate other sports and there was talk of the GAA etc. in that regard.

The Minister has made his position and that of the Government very clear. It is important Government funding is provided so that at last this stadium gets the go-ahead and is built. The manager has said that if he was on site, he would produce it in eight months. It is important we press for that.

The county manager has told us he will propose to the council next Monday that it now proceed to complete the stadium on the basis set out in the original report. Significantly, he has said that the next steps will be the signing of the building contract and the commencement of works on the stadium. That is what I and the community in Tallaght want to see.

I congratulate the new Shamrock Rovers which is now run by the fans under the direction of the 400 Club. I am glad Jonathan Roche, the chairman of the 400 Club, and other colleagues are in the Visitors Gallery. I hope they understand there is strong support for this stadium which would be ideal. I will call on the council next Monday to make a positive decision and to work with the Government to ensure funding is provided so that this stadium is ready and able to take Shamrock Rovers, hopefully in the premier division again very soon.

Mr. Crowe: The Minister for Arts, Sport and Tourism needs to explain the decision to block the funding and the decision made by local councillors, which came as a total surprise. I reiterate that from the beginning, I and other councillors have been 100% behind the move of Shamrock Rovers to Tallaght. I want to see the speedy construction of the stadium. During the initial construction of the stadium, I offered to act as a mediator between Shamrock Rovers and the Building and Allied Trade Union, BATU, to resolve a labour dispute which arose.

I was surprised and confused by the mixed message from the Minister who said he was opposed to the concept of the multi-use stadium. That is going in the opposite direction from that in which sport is going, particularly when one considers what is happening in Croke Park and so on. There is much confusion. A worry I have is that while the council is clearly on board and going in one direction, the Minister has said the money will not be available. We must now go back to the drawing board, to some extent, at the council and try to get everyone on board.

I am worried about further delays. The Minister talked about the Genesis report which outlined a re-amalgamation of teams on the southside and northside and that on the southside, possibly Shamrock Rovers and St. Pat's would play in the Tallaght stadium. At a meeting two weeks ago, St. Pat's supporters knocked that proposal on the head. They are totally opposed to the move to Tallaght. At present work is going on in St. Pat's grounds to extend the pitch and also on the stadium. Those are not the actions of a club which will eventually move to Tallaght.

The move of Shamrock Rovers will be a positive one. As a youngster, I supported Shamrock Rovers and travelled all over the country with it. From day one, I wanted to see the stadium in

Tallaght because it would play a positive role in children's lives.

The only reason I can see for the Minister not to approve the multi-use stadium is that there might be an extra cost factor. Deputy O'Connor is right that we have a partially built stadium, which is an eyesore. We want to see the stadium finished but the Minister seems to be holding it up, about which I am concerned. I want to see young people and families having the use of that stadium.

Shamrock Rovers, under previous configurations, was given the land for the stadium but has since lost it. It is now essentially public land and for that reason the public must be best served by the stadium as it involves public money. Shamrock Rovers is now being run by its true and loyal supporters, who must be accommodated.

There is much confusion. People want to see the stadium completed and up and running. That is the priority. When will the stadium be completed? If the Government is so concerned about the stadium moving ahead, why was the money not made available to Shamrock Rovers two years ago to go ahead with construction?

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I am pleased to take this opportunity to set out the background to this matter and outline the current state of play in relation to the proposed stadium in Tallaght. I apologise for the absence of the Minister for Arts, Sport and Tourism.

Following the development of proposals by Shamrock Rovers Football Club to develop a soccer stadium in Tallaght and with the recommendation of the FAI, the Department of Arts, Sport and Tourism provided funding of €2.44 million towards this project in the period 2000 to 2002. This funding was allocated under the sports capital programme, which is administered by the Department to assist projects directly related to the provision of sports and recreational facilities.

The responsibility for overseeing and completing such projects lies entirely with the grant recipients. The €2.44 million was paid out based on invoices for work carried out to the value of €3.3 million on the stadium development certified by the Department's technical advisers, the Office of Public Works. It should also be recognised that a considerable investment in time, effort and money has been made in this project by the FAI and Shamrock Rovers Football Club.

Unfortunately, due to a number of factors not least of which was increased costs due to delays encountered in the planning process, progress on the development ceased in 2002. Since that time the Department of Arts, Sport and Tourism has worked closely with South Dublin County Council and the FAI to ensure that the common objective of developing a soccer stadium in Tallaght is achieved.

[Mr. Fahey.]

Following the intervention of South Dublin County Council late in 2004 and its efforts to regain ownership of the site, the Department indicated a willingness to support the council in putting together a financial package that would ensure the early completion of the stadium. This support was based on the plan to provide a soccer stadium for Tallaght that would serve as a viable long-term home for Shamrock Rovers Football Club. Indeed, South Dublin County Council articulated the proposal in a press release issued following its meeting on 10 January 2005 where it stated: “other non-soccer sporting organisations must develop their own sporting facilities”.

During 2005, the necessity of ground sharing emerged as the only viable option for supporting investment in the development of Eircom soccer league stadia in Dublin. This was one of the key recommendations from the 2005 Genesis report on the Eircom league. Given that significant funding is being sought to ensure the completion of the Tallaght stadium, such investment can only be justified in its regular usage as a soccer stadium and potential home to two Eircom league clubs. The FAI also envisage it as an ideal venue when completed for high profile international youth and women’s games on occasion.

The recent council decision to adopt the manager’s report subject to increasing the size of the playing pitch and extending the stands seriously undermines the basis of the previously agreed approach. A larger pitch cannot easily be accommodated within the present site given the buildings already in place and would mean that a future stand on the far side of the existing uncompleted stand would be about half the size as originally envisaged thus limiting the future capacity to about 4,500 seats. Given that the ends of the partially completed west stand are curved, any proposal to extend along the length of a larger pitch is likely to involve demolition of part of the newly built structure leading to significantly increased costs.

With over €385 million allocated to the development of local sports infrastructure nationwide since 1998, it is clear that the Government is committed to investing in a wide variety of sports facilities. Of this amount, €73 million has been invested in facilities for soccer, €130 million for Gaelic games and a further €102 million for community facilities not specific to one particular sport. Tallaght has seen over €9.5 million allocated to clubs in the area in that period and will continue to benefit from funding under the programme.

There is no question of the Minister not being fully supportive of the development of GAA facilities in Tallaght and he would welcome proposals brought forward.

There is also no question of the Minister blocking funding for a multi-use stadium in Tallaght. It

is a clear that the original objective of all the parties involved was to develop a modern soccer stadium in Tallaght which together with ancillary facilities would also serve the local community. Given that almost all the submissions made as part of the public consultation process made no reference to catering for other sports, I believe that the local community is fully behind this objective. Work has been undertaken on this development and at this stage there would be considerable cost implications and further delays if there was an obligation to adjust the stadium to cater for Gaelic games. The capacity of the stadium would be reduced and the ground sharing option for two Eircom league clubs would not be possible. This would be a lost opportunity for soccer.

It is my understanding that when completed, the stadium will remain in the control of South Dublin County Council, who will license its usage based on an annual number of games. The management and additional usage of the stadium and any ancillary facilities will be a matter for the council to decide. The Minister remains committed to the completion of a soccer stadium in Tallaght and is firm in his belief that recent efforts to change the scope of the agreed approach to the proposed project can only lead to an unsatisfactory stadium and to further delays and increased costs. The Department continues to be in regular contact with South Dublin County Council and is hopeful that a decision will be made to complete the stadium as originally intended. This project has had a difficult history and like those most directly involved over the years, the Minister is anxious that the stadium would be completed as a matter of urgency.

I completely reject Deputy Crowe’s suggestions that the Minister has held up this facility in any way. It is clear that he is most anxious for it to proceed.

Mr. Crowe: Why did he not come up with the money a long time ago?

Mr. Fahey: Deputy O’Connor should be complimented on his positive approach. Hopefully, the issue can be resolved and we can proceed.

Mr. F. McGrath: I know that the Minister of State is a Galway United supporter.

Hospital Services.

Ms Burton: The Government has failed to honour commitments made to provide funding for dedicated medical services for victims of rape and sexual assault. It has emerged this week from a report carried out on behalf of the Government — the Minister for State at the Department of Justice, Equality and Law Reform, Deputy Fahey, may have been involved in its production — that despite the fact that 95% of rape cases do not end in a conviction, three of the four sexual

assault treatment units in the country are at risk of closure due to lack of State funding. I believe that a sum of only €7 million is in question, which was promised before the budget.

The availability of dedicated medical services pertaining to rape and sexual assault is fundamental to successfully prosecuting the perpetrators. Repeatedly, cases do not proceed to court because of the lack of services to compile forensic evidence in the appropriate way. Figures from the Department of Justice, Equality and Law Reform, the provisional crime statistics for 2005 compared to 2004 show some shocking increases in sexual assault offences. For example, rape section 4 offences have increased by 33%, while rape of a female has increased by 8%. The figures for unlawful carnal knowledge have risen by 8% and those for sexual assault by 7%. Hence, this is a major problem. Obviously this does not only affect women, it also affects children of both sexes and indeed younger men in particular. Nevertheless, the vast majority of victims are women.

At present there are four sexual assault treatment units in Ireland. Only the unit in the South Infirmity Hospital, Cork receives funding from the Department of Health and Children. According to the report, the other three are now at crisis point and on the brink of closure due to staffing difficulties caused by a lack of funding. The unit in the Rotunda hospital conducts 300 forensic examinations a year, with one third of its victims coming from outside the Dublin area. It depends on a core group of just three doctors, a half-time nurse manager and shared nursing staff from the gynaecological unit. The unit is now at crisis point due to staff shortages.

While the unit in Waterford Regional Hospital is the newest facility, its funding is limited to one year, which threatens the sustainability of the service and makes it difficult to retain doctors. Due to staff shortages, the unit can only offer services to victims of sexual assault who are willing to report a crime. The unit in Letterkenny General Hospital has been obliged to limit its catchment area to Donegal due to staffing issues. The report notes that it is struggling to remain open with only two doctors providing forensic medical examination services on an *ad hoc* basis and concludes that cessation of this much-needed service seems inevitable, unless immediate steps are taken to address this crisis.

The report highlights the difficulties experienced by victims of sexual assault who do not live close to an existing sexual assault treatment unit. The Minister of State's county of Galway, together with the entire midlands, lacks a sexual assault treatment unit. The reporting of rapes or sexual assaults is lower in those areas which lack a treatment unit. This appears to be linked to the fact that victims in these areas must either turn to a GP who is willing to perform the forensic examination or make a four to six hour car jour-

ney for a forensic examination to report the crime. In some areas, there are no GPs with the requisite training to carry out forensic examinations.

The report was also highly critical of existing facilities in Garda stations for victims making statements and recommended that the HSE should provide a dedicated interview room in each region. The Tánaiste and the Minister of State must respond to the shocking findings of this report. The Government must intervene to ensure that the existing sexual assault treatment units receive the funding they require to offer a full service to victims of rape and sexual assault. Moreover, new funding must be allocated to provide appropriate services in Galway and the midlands. Serious sexual assault devastates the life of the victims and very often the lives of their families. Victims go to hell and back again and if the forensic examinations are not performed properly, it is almost impossible for the Garda to help secure a conviction. This means that effectively, a sense of impunity arises, particularly when drink is involved in aggravating a sexual assault. I plead with the Minister of State to do something for the victims of these heinous crimes.

Mr. Fahey: I welcome this opportunity to update the House on matters relating to the difficult issue of violence against women and in particular in respect of the care for and treatment of the victims of sexual assault. Violence against women originally emerged as a major public issue in the consultation process in the Department of Health's policy document on women's health in 1996. This led to the publication of the task force report on violence against women in 1997, which contained recommendations to address the needs of women who had been raped or sexually assaulted.

In light of the complexity of the issue and the number of different agencies involved, the Government established the national steering committee on violence against women, NSC, in 1997 to facilitate a multidisciplinary and co-ordinated response from the State and the voluntary sector.

Last year, on behalf of the national steering committee, the Department of Justice, Equality and Law Reform commissioned the development of a new strategic plan for the committee to take account of developments since it was established and the progress that has been made in implementing the recommendations of the original task force. This project has involved extensive consultation with interested parties as well as an evaluation of the working methods and structures of the NSC, with a view to further enhancing their effectiveness and laying down a work plan for the future. The strategic plan should be completed later this year.

The provision of appropriate services for victims of sexual assault is a matter of particular

[Mr. Fahey.]

concern. I accept the point made by Deputy Burton in this respect. In order to evaluate the current situation in the State and to look at good practice in other jurisdictions with a view to enhancing Irish service provision, if necessary, the national steering committee established the sub-group, chaired by the Department of Health and Children, referred to by Deputy Burton which was tasked to review the medical and forensic services available to victims of sexual assault.

The aim of this review was to examine the provision of sexual assault treatment services in Ireland and in doing so, to identify the most appropriate service for adult and teenage — both male and female — victims of sexual crime that would adopt a holistic approach to care, and in so doing so incorporate all the relevant aspects such as health, justice and psychological needs. The Deputy may already be aware that there are currently four sexual assault treatment units in Ireland, located in the east, south-east, south and north-west regions.

The report of this group was completed late last year and its publication is imminent. Its recommendations are already under consideration in the Departments of Health and Children and Justice, Equality and Law Reform and will be further considered in the context of the overall review of the ongoing response to violence against women. The Department of Health and Children is arranging to print the report and I assume that it will then be placed in the public domain.

However, I will not break any confidences by outlining that the recommendations examine, *inter alia*, the need for a more uniformly available service across the country, for enhanced training for those working in this field and at better networking and information sharing. I am determined that improved coordination arrangements will flow from this large body of strategic work being undertaken under my stewardship as chair of the national steering committee, and, in particular, that this will lead to the enhancement of services for victims of violence against women and to an increase in the availability and quality of service in sexual assault treatment units.

I accept there are serious gaps in the service and that is why the interdepartmental committee was established. It will report shortly and I am determined to ensure finance will be available to locate treatment centres throughout the State and, in particular, in the west.

Community Development.

Mr. Stanton: I thank the Ceann Comhairle for allowing me to raise this matter about the need for increased Government support for the Cobh and Great Island community centre project. This project is ten years in gestation. Five national lottery funding applications were made between

1997 and 2000, all of which were unsuccessful. The organisers were informed no stop gap funding was available for such a broad-based community project. A welcome grant of €400,000 was made in 2001, which is the only Government support received to date.

The project committee, together with the people of Cobh, raised €852,000 for the project through local fund raising, pledges and sheer hard work and determination to get the project off the ground. The centre is being built on a valuable 0.9 acre site in the centre of the town, which was donated by the Cobh parish authorities. Between the fund raising and the donation, the community has generated a significant amount for the project. No such facility exists in Cobh, even though it is the largest town in County Cork. It is expanding rapidly with many new housing estates coming on stream. A feeling of isolation exists in the town because there is no focal point for community activities. The organisers and builders of the project are confident it will fill that gap and enhance and complement existing facilities.

The ground storey of the proposed three-storey building will be occupied by the Cope Foundation, which will run a workshop for local people with disabilities. Sixty such people travel from the town every day by train, bus and taxi to a similar facility. The second floor will have an emphasis on youth facilities and activities while the third floor will consist of meeting rooms and so on for community and general use. A multi-purpose hall will facilitate indoor football, badminton and table tennis and can be used as a theatre or concert hall for social gatherings and conferences.

The project is at a crucial stage. The committee is in a dilemma, having to let the builder go from the site because money has run out. The consequence of this action will be regrettable for all. More expense will be involved in getting the builder back on site and the project will hit a low for those who have worked tirelessly for the past ten years and the residents of the area will be annoyed that an unfinished development will be left in their midst. Security and insurance will also become problems while the project could collapse if those involved become disillusioned.

Ideally, the committee would have preferred to have had all the funding in place for the project on its commencement but that was not possible. The committee had €1 million and then sought extra funding but every door was closed. However, the message from Government was that the committee should spend the money it had and more funds would come its way. They did so, hence, the present position. The Government has focused on the community for the past year and in recent days Ministers have referred to the sums available for community development. I hope that is not all pie in the sky and that the Minister of State has good news for this hard working committee, the members of which have given significant time and resources for this pro-

ject and will make funds available immediately for its completion.

The contract for phase 1 of the community centre was signed in mid-2005 with a cost of approximately €1 million. Great progress was made and the shell of a three-storey building and attached multipurpose hall is in place. Windows have been fitted, the roof completed and external plastering has been done. The contract did not provide for internal finishes and, therefore, the building is not fit for use. Phase 1 is complete because the weather has been so good. It is the intention of the committee and all concerned that sufficient funds will be secured but, unfortunately, this has not happened. I have written to numerous Ministers and Departments over the past month seeking assistance for the project. The shortfall is approximately €600,000. If the Government even matched the funding raised, it would go a long way. The Government does not even have to provide that if the value of the site is taken into account. The committee has put in unbelievable work to raise €852,000, which is no small feat for a small town. The project is badly needed and it would make a significant difference to the town, which has suffered job losses in recent years. It needs a focal point and a sum of €600,000 is not huge in the overall scheme of things. I implore the Minister of State, if he does not have good news, to return to the Government to ascertain what can be done to progress the project.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Minister for Finance announced in budget 2002 that in my Department's Vote a special one-off provision of £450,000 would be included as a contribution towards the cost of constructing a community centre in Cobh. In subsequent years, during which this project went through various preparatory phases, my Department was in close contact with Cobh Community Centre Ltd., the company established to manage the project, and with the relevant local authorities.

In May 2005, following site inspections, discussions with the principals concerned and detailed assessment of their proposals, my Department notified Cobh Community Centre Ltd. that it was satisfied that the project, as then constituted, was viable and was approved for financial assistance. A two-phase development strategy was agreed. Phase 1 was to involve the demolition of an existing building, site grading, drainage, and construction of steel frame works while phase 2 was to involve the internal fitting-out of the community centre.

The overall cost of the project was estimated in May 2005 to be €1.6 million, including a small contingency sum. Phase 1 was costed at €800,000, while phase 2 was costed at €725,000. My Department agreed with Cobh Community Centre Ltd.,

that the full Exchequer allocation of €450,000 should go towards the costs of phase 1 and should be drawn in three instalments, on foot of appropriate certification. It was understood that the balance of phase 1 funding would come from a number of sources, including the Cope Foundation, local authorities and the Catholic Church, as well as local contributions. The local authorities contributed more than €150,000 to date, which means more than €600,000 in public funds has been invested.

Phase 2 of the project was to be funded by the bodies just mentioned and a credit union loan of €500,000. On this basis, the full amount of €450,000 was drawn down by Cobh Community Centre Ltd. in September, October and November 2005 upon certification to my Department by Cork County Council that relevant works had been carried out in a satisfactory manner. On 30 December, Cobh Community Centre Ltd. acknowledged that it had received the final grant payment in respect of this project and thanked my Department for its help and efficiency in dealing with the matter. There was no suggestion at that time that there were difficulties regarding funding for phase 2 of the project.

However, a letter dated 10 January 2006 from the chairman of the Cobh Community Centre Ltd., raised issues relating to funding and the level of Government support for the project. In this letter, the chairman stated that phase 1 of the project, due to be completed very shortly, cost more than €1 million. This was the first we heard of prices going through the roof. The letter intimated, without outlining detail, that the project cannot proceed further because of lack of funds. My Department will shortly contact Cobh Community Centre Ltd. to establish in detail the current position. However, I acknowledge the value of this project to the community in Cobh, and the sterling efforts made locally to raise funding. They have done a lot of work to bring the project to fruition. However, the House must appreciate that I am not in a position at this time to commit to further Exchequer funding.

I heard Deputy Stanton say that they were advised to spend what they have and come back for more. If that is in writing, I would like to see it. It may be that letters are flying around to different Ministers seeking funds. As I said, we were already dealing with the matter in the Department. It was originally given to my Department by the Department of Finance. The letter dated 10 January was the first we knew of any difficulties in this regard. We will now contact the body seeking further details.

I undertake to come back and respond further to the Deputy. It is a fact that €600,000 of public funds has gone into this project, which is a considerable amount of money. Given that the cost increased, obviously something happened along the way. Perhaps extra work was carried out. The

[Mr. N. Ahern.]

Department received the letter dated the end of December thanking it profusely, and ten days afterwards we heard the bad news, which was the first time we heard about it.

I need further information on the matter. Perhaps someone else knew something, but the

Department certainly did not. I will undertake to get some additional information to see what can be done, if anything.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 14 February 2006.

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 7, inclusive, answered orally.

Homeless Persons.

8. **Mr. Quinn** asked the Minister for Social and Family Affairs the definition of homeless or homelessness his Department uses for social welfare purposes; and if he will make a statement on the matter. [4720/06]

32. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs his views on whether the use of supplementary rent allowance continues to be effective in view of the criticisms raised in Focus Ireland's five-year strategy regarding shortcomings in homelessness preventive measures, especially among key vulnerable groups. [4687/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 8 and 32 together.

The Government is committed to addressing homelessness in a comprehensive and co-ordinated manner. Substantial progress is being made under the Government's strategy on adult homelessness, in addressing the needs of people who are homeless and in assisting them to move to accommodation that is more suitable to their needs. This has been done through the recognition that a solution to homelessness is not just about the provision of shelter or funding but that there is a need for a comprehensive approach involving health care and welfare, education, training and support, as well as accommodation, to enable homeless persons to re-integrate into society and to prevent others from becoming homeless.

As homeless persons have the same entitlements under the social welfare system as any other persons and are subject to the same qualifying conditions, there is no definition of homeless or homelessness for social welfare purposes. If homeless persons are unemployed but capable of and genuinely seeking work, then they can apply for unemployment assistance. They can be paid basic supplementary welfare allowance, SWA, if they do not fulfil the conditions for any other primary weekly payment from my Department. In addition, they can also apply for payments such as rent supplement diet supplement and exceptional needs payments under the supplementary welfare allowance scheme.

One of the most important supports provided to homeless people through the social welfare

system is assistance with rent deposits to enable them to secure private rented accommodation. Some €5.8 million was provided for rent deposits in 2005.

The Government's strategic approach to tackling poverty and social exclusion is set out in Ireland's national action plan against poverty and social exclusion, NAP/inclusion, which contains a common objective of "preventing the risks of exclusion". The plan reflects, among other priorities, the Government's continued commitment to addressing housing and accommodation needs and to ending homelessness.

On the specific issue of homelessness, the NAP/inclusion commits to the provision of sufficient and appropriate emergency accommodation for rough sleepers in each local authority and health board area, in conjunction with appropriate outreach services to enable them to access it, leading to a significant reduction in youth homelessness. Responsibility for these policies rests with the Department of the Environment, Heritage and Local Government and, in the case of youth homelessness, with the Department of Health and Children.

My Department, through the Office for Social Inclusion, has responsibility for overseeing the implementation of the NAP/inclusion and the achievement of the targets set out in the plan. In a recent implementation and update report on the Irish NAP/inclusion submitted by the Office for Social Inclusion to the European Commission last June, good progress in relation to the homelessness target was reported.

In recent years, a significant number of people have come to rely on rent supplements for extended periods, including people on local authority housing waiting lists. In response to this situation, the Government has introduced new rental assistance arrangements giving local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more, on a phased implementation basis. When fully operational, local authorities will meet the housing needs of these individuals through a range of approaches including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public private partnership type rental accommodation scheme. These arrangements are intended to be a long-term housing option for the people concerned and reflects the Government's overall objective under the national anti-poverty strategy to enable households experiencing poverty and disadvantage to have available to them housing or accommodation, which is affordable, accessible, of good quality, suitable to their needs, culturally acceptable, located in a sustainable community and, as far as possible, in a secure tenure of their choice.

There was no criticism of the supplementary welfare allowance scheme in the Focus Ireland report and I am satisfied that the rent supplement scheme and the provision of rent deposits by my

[Mr. Brennan.]

Department have a role to play in providing for the short-term accommodation needs of the homeless or those at risk of homelessness and continues to be effective in this regard. The new rental assistance arrangements provide an imaginative additional approach in supporting people with longer-term housing needs. The new scheme, particularly the rental accommodation component, will reduce housing waiting lists by providing a useful additional mechanism for providing good quality social housing, alongside more traditional social housing construction programmes and the expansion of the voluntary housing sector.

Social Welfare Benefits.

9. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the expected increase in take-up of the back to work allowance in 2006 since the qualifying period was reduced in budget 2006; and if he will make a statement on the matter. [4674/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to work allowance scheme, which was introduced in 1993, is part of my Department's programme of initiatives designed to assist long-term unemployed, lone parents and other social welfare recipients to return to the active labour force.

There are two strands to the scheme, the back to work enterprise allowance for self-employment and the back to work allowance for employees. In budget 2006 the qualifying period for unemployed persons was reduced to two years for both strands of the scheme effective from 1 March 2006. It is estimated that a further 2,700 persons will access the scheme in 2006 as a result of this change.

The allowance was introduced at a time when long-term unemployment stood at 8.9%. In its early years the scheme proved very effective in helping people who had been long-term unemployed to return to the labour force. However, changes in labour market conditions since the mid-1990s has reduced the need for the scheme. This is illustrated by the drop in numbers availing of it in recent years. At present there are 8,770 participants in the scheme, compared to 39,343 in October 2000 when the scheme reached its peak.

The scheme was reviewed in 2002 in the light of economic and labour market changes and, in particular, the drop in unemployment levels since its introduction in 1993. The review also took account of an evaluation of the scheme by independent consultants. They recommended that the scheme should be restructured in the light of changes in the labour market.

In January 2003, the qualifying period for persons accessing the scheme from an unemployment payment was increased to five years. People coming from other social welfare qualifying

scheme payments were not affected by this change.

In recognition of the difficulties being experienced by some persons wishing to enter self-employment after five years attachment to the live register the qualifying period for access to the enterprise strand of the scheme was reduced to three years with effect from March 2004. Access to the employee strand of the scheme from an unemployment payment was not affected by this change and remained at five years.

I recognised that some people were experiencing some difficulties returning to the labour force after five years of attachment to the live register. To address these difficulties I reduced the qualifying period to two years for both the employment and self-employment strand.

I view the scheme as a highly important support in the range of active labour market programmes available to the unemployed to assist entry and return to the workforce. I will continue to monitor its impact and adapt it as necessary to ensure that it delivers maximum supports to those accessing the scheme.

Social Welfare Code.

10. **Mr. Costello** asked the Minister for Social and Family Affairs the position with regard to his discussions with the European Commission regarding the Government's implementation of the two-year habitual residence requirement in regard to qualification for social welfare benefits; if any changes to the requirement have been introduced or are planned; and if he will make a statement on the matter. [4704/06]

Minister for Social and Family Affairs (Mr. Brennan): The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. It was introduced in the context of the Government's decision to open the Irish labour market to workers from the new EU member states without the transitional limitations which were being imposed at that time by many of the other member states. The effect of the condition is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland, regardless of citizenship, nationality, immigration status or any other factor.

The EU Commission wrote to the Government on 22 December 2004 raising a number of issues concerning its compliance with EU law in relation to workers and their families. Officials from my Department and the Attorney-General's office met Commission officials on 15 May last to discuss the issues raised and explained that the operation of the new condition was fully in line with the criteria set out in European Court of Justice case law. These are: the length and continuity of residence in a particular country; the length and

purpose of absence from Ireland; the nature and pattern of the employment; the applicant's main centre of interest; and the future intention of the applicant concerned as it appears from all the circumstances.

In addition, full consideration is given in the decision-making process to the requirements of EU legislation regarding free movement of workers within the European economic area. Rules which apply to migrant workers, that is persons who have taken up employment in Ireland following their arrival here, are strictly observed.

A formal response by the EU Commission to the points made is still awaited. It is expected that the Commission's examination of the matter will be concluded shortly.

In November 2005, a clarification was issued to community welfare officers explaining that supplementary welfare allowance is considered under EU legislation to be a social advantage and must therefore be subject to the principles of equal treatment to all EU workers regardless of nationality. Any EU worker who suffers loss of income because he or she has lost employment through no fault of his or her own, or becomes unable to work through illness, is entitled to claim supplementary welfare allowance. This is the only development affecting the application of the condition since I last commented on this question in this House.

The requirement to be habitually resident in this country has been and continues to be monitored constantly by my Department, and a full review of its operation is presently being finalised.

Social Welfare Schemes.

11. **Mr. Penrose** asked the Minister for Social and Family Affairs if, in regard to the planned introduction of the early child care supplement, his Department has any estimate or assessment of the likely number of claims that could be made in respect of children not resident here; the estimated cost in respect of such payments; the procedures which will be put in place to ensure verification of claims made; and if he will make a statement on the matter. [4697/06]

Minister for Social and Family Affairs (Mr. Brennan): The early child care supplement, ECS, scheme was introduced in budget 2006. The scheme is under the remit of the Office of the Minister for Children, which will be responsible for policy and legislation in relation to the scheme. The administration of the scheme is being undertaken by my Department.

The scheme is a universal one and all parents-guardians of children up to six years of age are eligible. It is expected that a total of 260,000 families will qualify for the supplement in 2006, in respect of a total of some 350,000 children. The budget for the ECS in 2006 is €265 million, and in a full year its estimated at €350 million.

Eligibility for the ECS is identical to that for the child benefit scheme. As with the child benefit scheme, the early child care supplement falls within the definition of a "family benefit" under EU Regulation 1408/71. One practical effect of this is that where a national of an EU state is working in Ireland the worker is entitled, if she or he has a family, to payment of this benefit. If the children of the worker are resident in the worker's home country, entitlement to payment of the supplement still exists.

This situation is the same as for the child benefit scheme. My Department is currently making child benefit payments to 650 families, in respect of approximately 1,300 children, where the children are resident in the worker's home country. About 450 of these children are aged under six years and will be eligible for payment of the ECS. The vast majority of these children at this point are resident in the United Kingdom.

In addition to this stock of cases, the weekly intake of claims in respect of non-resident families is currently 80. It is estimated that these families will have a total of 50 children under the age of six. At this rate of intake, ECS payments of €2.7 million will have accrued by the end of 2006. This is 1% of the total projected cost of the supplement this year. It is likely however, that only €1 million of this will be paid by the end of 2006 — 0.3% of projected expenditure. This is due to the protracted nature of the claim decision process which involves communication with the authorities in the country in which the family resides.

My Department operates a strict verification process for child benefit claims and this will also apply to the ECS. The work status in Ireland is checked and birth certificates for the children obtained. It is necessary to correspond with the relevant authorities in the country where the family reside to see what entitlements may be in place there and what effect the supplement will have on payments in both countries. In the course of this correspondence, particulars of the children in the family are re-checked and verified.

My officials are currently reviewing these verification and other control measures currently operated for the child benefit scheme with a view to adapting and expanding them as appropriate for the early child care supplement scheme. This work is ongoing and the final shape and scope of the verification measures is not yet completed.

As the Deputy will appreciate, it is not possible at this point to forecast the position with total accuracy. This will depend on future immigration flows and the number of non-national immigrants who decide to return home. Based on current figures the expenditure in respect of non-resident children is unlikely to be significant in the context of the overall spending on the scheme.

Social Welfare Code.

12. **Mr. Durkan** asked the Minister for Social

[Mr. Durkan.]

and Family Affairs when it is intended to update means test thresholds; and if he will make a statement on the matter. [4727/06]

135. **Mr. Durkan** asked the Minister for Social and Family Affairs his views on raising means test thresholds further; and if he will make a statement on the matter. [4903/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 12 and 135 together.

I approached the recent budget with a number of key priorities in mind: I wanted to continue to improve the position of our older people; I wanted to take a decisive step forward towards the elimination of poverty, particularly child poverty; to assist in the development of a programme of supports and opportunities for those parenting alone and those with disabilities; to improve income supports to, and in recognition of, carers who perform a valued and valuable service for the whole of society; and to ensure that the budget reflected the evolving new social agenda that has at its core a social welfare support system that is active instead of passive, that assists people to live with dignity and enables them to make a valuable contribution towards society. A key objective of this reform agenda is the removal of employment disincentives and the avoidance of welfare dependency.

The budget has delivered on these objectives. In this context, I was pleased to be able to announce a number of significant and focused improvements to a range of means testing arrangements, as follows: I introduced a tapered withdrawal rate for disability allowance and blind pension recipients who engage in rehabilitative employment or self-employment and have a weekly income over €120 and under €350. This measure which will take effect from next June is specifically designed to incentivise those with a disability to take up employment. The income disregards for the means test for carer's allowance are to be increased from next April to €290 for a single person and €580 for a couple. As a result a couple with two children can earn up to €32,925 and the carer will retain entitlement to the maximum rate of carer's allowance. This increase in the means disregards also fulfills the commitment in the programme for Government to enable all those earning up to average industrial earnings to qualify for carer's allowance. The upper income limit for the one-parent family payment will increase from €293 to €375 per week in June 2006. This substantial increase will encourage employment and ensure financial security for these parents and their children. A 50% tapered withdrawal of earnings between €60 and €90 per week for persons in receipt of rent and mortgage interest supplement was introduced from January last, thereby increasing the incentive to take up employment or training or to pursue maintenance

payments. An increase by next September in the spouse's income disregard for entitlement to the qualified adult allowance, QAA, from €88.88 to €100 a week, as well as an increase of €30 per week to €250 for entitlement to a tapered QAA rate. Significant changes were introduced in January last to the family income supplement, FIS, thresholds designed particularly to boost child income support for larger low income families. As a result of these improvements a family with four children has seen its weekly FIS payment rise by up to €64.80 a week while the payment for a family of six children has risen by nearly €117 a week.

I was particularly anxious to improve the financial position of our elderly pensioners. Apart from record increases in the weekly rates of payment, I also announced the establishment, from next September, of a single standard enhanced non-contributory pension scheme with a greatly improved means test, thereby simplifying the labyrinthine structure of supports for older people.

Key features of the new scheme will be a weekly means disregard of €20 per week, up from the €7.60 per week which dates back to the 1970s and an innovative special earnings disregard of €100 per week. This latter measure is intended to facilitate those older people who wish to continue in employment. As a direct result of the enhanced means test arrangements, over 30,000 pensioners will benefit directly from increased payments of up to €12.50 per week and, where a QAA is in payment, by a further €8.30 per week.

I am sure that the Deputy will agree that the measures I have outlined constitute a significant reform of the means assessment arrangements.

Social Welfare Schemes.

13. **Mr. P. Breen** asked the Minister for Social and Family Affairs if there is any State scheme for elderly people that will enable them to make their homes more fuel efficient; and if he will make a statement on the matter. [4642/06]

Minister for Social and Family Affairs (Mr. Brennan): The term "fuel poverty" has been described as the inability to afford adequate warmth in a home, or the inability to achieve adequate warmth because of energy inefficiency in the home. The primary contributory factor is the energy efficiency of the private and public housing stock. Problems in this regard relate to older housing, with poor insulation and draught-proofing or inefficient heating systems. All new housing, including social housing, is being built to modern efficiency standards. Local housing authorities are undertaking an ongoing programme to upgrade the older social housing stock and to provide better living conditions generally for tenants, including draught insulation and energy efficiency.

The role of the social welfare system in relation to this issue is primarily to provide income sup-

port. The main focus of Government policy is to increase primary weekly social welfare rates significantly in real terms, to enable pensioners and other vulnerable groups to meet their heating and other basic living needs more adequately throughout the year. In this regard, the significant increases in primary social welfare payment rates for pensioners and other groups for this year announced in the budget, and other increases in recent years, have improved their income situation considerably in real terms relative to price inflation generally.

In addition, there are a number of social welfare programmes to assist with heating costs specifically. Fuel allowances are payable during the winter heating season for householders who are in receipt of long-term social welfare or Health Service Executive payments. In budget 2006 I increased fuel allowance by €5.00 — €14.00 per week for eligible households — with an additional €3.90 per week being paid in designated urban smokeless fuel zones, bringing the total amount in those areas to €17.90 per week. These payments are made for the duration of the fuel season which lasts for 29 weeks from the end of September to mid-April.

Electricity and gas allowances are payable through the household benefits package. Expenditure by my Department on fuel, electricity and gas allowances for social welfare and other elderly customers was €109 million in 2005.

A special heating needs facility is available through the supplementary welfare allowance scheme to assist people in certain circumstances with specific heating needs due to infirmity or a particular medical condition.

My Department is co-operating with the Department of Environment, Heritage and Local Government, Sustainable Energy Ireland and the Combat Poverty Agency in an action research project those agencies are undertaking to improve heating systems and insulation in selected older private dwellings and to monitor the outcomes in terms of improved cost efficiency and household comfort and health levels.

The research project will be carried out in designated geographical areas this year where eligible persons will have an energy audit carried out in their homes. The energy audit will include energy advice to the household as well as remedial work such as the installation of roof space insulation, draught proofing, fitting of hot water cylinder lagging jackets and energy efficient light bulbs.

The project will evaluate the effects of the measures undertaken from the point of view of improved comfort levels, health effects as well as changes in fuel costs and carbon dioxide emissions. My Department will use the results of this project to assist with the development of future income support policy in this area.

In that regard, in the recent budget I have made a grant of €2 million to Sustainable Energy Ireland for the installation of housing insulation

in houses experiencing fuel poverty and to enable further research to be undertaken into fuel poverty issues.

Social Welfare Code.

14. **Mr. Allen** asked the Minister for Social and Family Affairs his views on removing the rule where people in receipt of the one-parent family payment may not cohabit with their partners or spouses; and if he will make a statement on the matter. [4641/06]

21. **Mr. Howlin** asked the Minister for Social and Family Affairs if it is intended to discontinue the current one-parent family payment in its present form; his proposals to replace same; and if he will make a statement on the matter. [4711/06]

31. **Mr. Gogarty** asked the Minister for Social and Family Affairs when the new single parents allowance scheme will be introduced that will end the cohabitation rule that recipients must not be living with a partner. [4683/06]

33. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the supports his Department intends to introduce to further empower lone parents in relation to the new social reform agenda; and if he will make a statement on the matter. [4673/06]

44. **Mr. Howlin** asked the Minister for Social and Family Affairs the situation with regard to his proposals for the reform of the one-parent family payment system, particularly with a view to making it easier for lone parents to enter or re-enter the workforce; when he intends to bring forward formal proposals in this regard; and if he will make a statement on the matter. [4710/06]

45. **Ms Enright** asked the Minister for Social and Family Affairs the measures he intends to introduce to reverse the situation where certain welfare payments prevent the parents of children from living together; and if he will make a statement on the matter. [4659/06]

47. **Mr. Sargent** asked the Minister for Social and Family Affairs his plans to pursue a separate policy initiative to address the particular support needs of separated fathers. [4688/06]

57. **Mr. McGinley** asked the Minister for Social and Family Affairs when he intends to publish the one-parent family payment review; and if he will make a statement on the matter. [4672/06]

60. **Ms Enright** asked the Minister for Social and Family Affairs his proposals to change the lone parents allowance; and if he will make a statement on the matter. [4658/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 14, 21, 31, 33, 44, 45, 47, 57, and 60 together.

The Government acknowledges that the risk of poverty, especially child poverty, tends to be higher among one parent families, larger families and those faced by long-term unemployment, due mainly to the direct costs of rearing children, including child care costs and the opportunity costs related to the reduced earning capacity of parents arising from their care responsibilities. This applies particularly to one parent families as the lone parent has to be the main breadwinner and carer at the same time.

However, it is generally accepted that for all people in working age households, the main route out of poverty is through employment. Employment participation among lone parents in this country is among the lowest in the OECD. This is despite the huge employment growth in recent years, increased female participation in the workforce and the income disregards afforded to lone parents who take up employment under my Department's one-parent family payment.

I believe that every support should be given to lone parents to give them an opportunity to continue to increase their earnings in their efforts to improve their own lives and those of their children. In recognition of this, I was pleased to significantly increase the upper income limit for the one-parent family payment by €82 per week to €375 per week in the recent budget. This measure will come into effect in July of this year. In addition, as a result of taxation measures introduced in the budget, lone parents will not now become eligible for tax until they earn in excess of €23,000 per annum.

One of the key tasks in the Ending Child Poverty initiative under Sustaining Progress is to address obstacles to employment for lone parents. The Senior Officials Group on Social Inclusion was mandated late in 2004 to examine this issue and report back to the Cabinet Committee on Social Inclusion with specific proposals. A sub-group of the senior officials group has been examining obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child care and support programmes and information.

We must also look closely at income supports and at how we can adjust those supports to better address the social problems that can arise for those who receive these payments. In this regard, a working group established in my Department to review the income support arrangements for lone parents, has looked at issues, including the contingency basis of the one-parent family payment, cohabitation and the fact that the payment can act as a disincentive to the formation of partnerships and discourage joint parenting — an issue of particular importance to separated fathers — maintenance and secondary benefits.

A consultation process with social partners and other interested parties was also undertaken to

inform the work of the group. I intend to make the findings of both working groups public in the near future and to engage in a consultation process with interested parties.

It is my intention that the outcome of these reviews, together with initiatives already in place in my Department, will contribute to the ongoing development of proposals designed to better support and encourage both lone parents and those seeking work in achieving a better standard of living, employment and education opportunities, a better future for themselves and their children, and a more appropriate social policy in the future.

Services for People with Disabilities.

15. **Mr. Stanton** asked the Minister for Social and Family Affairs when he intends introducing the advocacy service for people with disabilities; and if he will make a statement on the matter. [4661/06]

Minister for Social and Family Affairs (Mr. Brennan): The introduction of a personal advocacy service for people with disabilities is provided for in the Comhairle (Amendment) Bill 2004 which was published in September 2004 in conjunction with the Disability Bill 2004.

The Comhairle (Amendment) Bill is a key element of the Government's legislative programme for improving services for people with disabilities. The combination of this Bill, the Disability Act, 2005 and the accompanying outline sectoral plans for accessible public services, together with the Education for Persons with Special Needs Act 2004 are intended to convey clearly the Government's intention to have the legislation, policies, institutions and services in place to support and reinforce equal access to services for people with disabilities.

The Disability Bill 2001 proposed the introduction by Comhairle of a personal advocacy service. However, the proposed new service would have resulted in such a fundamental change to the primary functions of Comhairle that it was decided that the Comhairle (Amendment) Bill, which would seek to amend the functions of Comhairle in line with Government policy, was required.

The Comhairle (Amendment) Bill 2004, has as its primary purpose the amendment of the Comhairle Act 2000, to assign additional and enhanced functions to Comhairle which will enable it to introduce a personal advocacy service for people with disabilities. The Bill envisages advocacy services as "supporting people with disabilities to identify and understand their needs and options and to secure their entitlements to social services". Social services are broadly defined. They include health, social welfare, education, family support, housing, taxation, citizenship, consumer matters, employment and training.

The proposed service will provide for the assignment of a personal advocate to assist, support and represent a person with a disability in applying for and obtaining social services and in pursuing any right of review or appeal in connection with those services. It is envisaged that the new personal advocacy service will be introduced early in 2008.

In preparation for the proposed services contained in the Comhairle (Amendment) Bill 2004, an amount of €1 million was provided to Comhairle in 2005 to commence preparatory work. In September 2005, Comhairle published guidelines for the development of advocacy services by voluntary organisations and launched a new programme of support for advocacy services for people with disabilities. This programme will be delivered by 13 organisations across the country in the voluntary and community sector. The funding provided by Comhairle will provide trained advocates within the organisations concerned to assist vulnerable people with a disability in addressing their individual needs and options. The advocates will represent, for example, people with dementia, people who wish to move into independent living, people in long-term residential services and young people with learning disabilities completing education or training. They will also assist people with mental health difficulties leaving hospital so that they can be supported in making the transition back into their communities.

I propose to bring the Comhairle (Amendment) Bill 2004 before the Houses of the Oireachtas in this parliamentary session.

Departmental Investigations.

16. **Mr. M. Higgins** asked the Minister for Social and Family Affairs if his Department's investigation into the circumstances in which a number of civil servants are reported to have accessed the personal welfare records of a person (details supplied) has been completed; if any action has been taken on foot of the investigation; and if he will make a statement on the matter. [4709/06]

Minister for Social and Family Affairs (Mr. Brennan): Arising from reports in the media, my Department carried out an examination of accesses to the computer record of the person concerned.

On a general basis, staff of my Department are authorised to access individual records as long as it is for legitimate business reasons. In view of the number of accesses in this case, managers were asked to examine the matter in order to establish if there were genuine business reasons for their staff accessing the record. The staff concerned were asked to set out the reason they accessed the record and managers have drawn up reports on the basis of their replies. These reports are currently being considered by the personnel

officer, who will decide if action is required in each case under the Civil Service disciplinary procedures.

My Department views its obligations to safeguard the privacy of data under its control very seriously and has undertaken a considerable amount of work in this area over the past few years. A review is currently under way to see if new approaches and technologies can be applied to strengthen our controls in this area.

Question No. 17 answered with Question No. 7.

Departmental Programmes.

18. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs the take-up rate of the school meals programme operated by his Department; and if he intends to offer more incentives to increase take-up levels. [4686/06]

Minister for Social and Family Affairs (Mr. Brennan): The school meals programme operated by my Department gives funding towards provision of food services for disadvantaged school children through two schemes. The first is the long-standing statutory urban school meals scheme, currently operated by 36 local authorities. The Department jointly funds the food costs with these local authorities, which also manage and fund the administration of the scheme.

The second is the school meals community, local projects, programme through which funding is provided by my Department to participating schools and voluntary community groups in both urban and rural areas for school meals projects. This also covers pre-schools that are community based and which operate on a not-for-profit basis.

The school meals programme makes an important contribution to ensuring that school children receive better nutrition and contributes to improved school attendance and quality of learning. The scheme also supports initiatives that target dispersed disadvantage and children with special needs.

Under its programme of expenditure reviews, my Department completed a review of the school meals scheme in 2003. The review group recommended that a new scheme called the school food programme, SFP, should be established, targeting secondary schools with the highest concentrations of pupils at risk of early school leaving and their feeder primary schools. Given the scale of this initiative, the group recommended that the new programme should be phased in, in conjunction with the school meals project, targeting the most disadvantaged areas initially.

In order to advance recommendations made in the review of the school meals scheme, my Department assigned an officer on in the Donegal area to pilot additional ways of encouraging disadvantaged schools and groups to participate in the scheme. All the schools

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approached were on either the school completion programme or Give Children an Even Break programme. This project has resulted in a total of 17 new schools becoming involved in the school meals local project scheme in Donegal. This pilot project has been extended into the Sligo and Leitrim areas in 2006. Options for extending this project into other areas are being actively examined.

There is ongoing liaison between my Department and the Department of Education and Science on school meals issues. In 2005 that Department initiated a new action plan, delivering equality of opportunity in schools, DEIS, which incorporates many of that Department's existing schemes which target educational disadvantage. A list of schools identified for inclusion in its school support programme is being updated at present and will be available shortly. My Department will use this list to ensure that disadvantaged schools are prioritised for inclusion in the school meals programme.

In 2003, €3.29 million was spent on the school meals programme. A total of 382 schools, with a total of over 50,650 pupils benefited from the urban scheme while 347 schools and voluntary organisations received funding which benefited some 26,000 children under local school meals projects.

In 2004, expenditure on the school meals programme was €4.65 million in total. A total of 386 schools, with a total of over 50,817 pupils benefited from the urban scheme while 451 schools and voluntary organisations received funding which benefited some 41,300 children under local school meals projects.

In 2005, expenditure increased to €8.24 million in total €7.08 million for the school projects and €1.16 million for the urban school meals scheme. A total of 386 schools, with an estimated total of over 54,752 pupils benefited from the urban scheme while 596 schools and voluntary organisations received funding which benefited some 62,671 children under local school meals projects.

A total of €10.4 million has been allocated for the school meals programme in 2006 — €9.1 million for school projects and €1.3 million for the urban scheme. I would expect to see expenditure on school meals increase over future years as the school meals programme is further extended. All matters relating to the scheme, including the possibility of incentives to promote the scheme, will be kept under review.

Question No. 19 answered with Question No. 6.

Jobs for People with Disabilities.

20. **Mr. Allen** asked the Minister for Social and Family Affairs the range of options identified by his Department to assist people with disabilities who are in receipt of social welfare payments to

take up employment; and if he will make a statement on the matter. [4640/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department operates a number of schemes which provide income support to persons with an illness or disability, including the social insurance disability benefit and invalidity pension schemes, the means-tested disability allowance and blind pension. In addition, there is a further range of benefits available under the occupational injury benefits scheme for people who have been injured or disabled as a result of an accident at work.

Facilitating return to work and participation in the active labour force with a view to assisting people to become more financially independent is a most important objective of the social welfare system and a key goal in my Department's statement of strategy. There are a number of specific incentives available within the system to encourage and facilitate people, including people with illness or disabilities, to take-up or return to employment, or to undertake education and training options.

These incentives include exemptions from the general "no work" conditions of the disability benefit and invalidity pension schemes to facilitate people to undertake work of a rehabilitative nature and there are over 6,500 people currently availing of such exemptions. In addition, there are income disregards which exempt a portion of earnings — currently €120 per week — from the means-tested disability allowance and blind pension payments and 6,000 people are currently availing of this disregard.

In order to improve the incentives for people with disabilities to take up and progress within employment, as part of the social welfare budget package 2006, a new 50% withdrawal rate of disability allowance and blind pension payments will be effective from June 2006 for earnings above €120 per week and under €350 per week. This measure replaces the current euro for euro withdrawal above the €120 per week disregard and will mean that a single person can earn up to €390 per week before his or her disability allowance or blind pension is fully withdrawn.

Access to the back to work allowance scheme, designed to assist people to return to employment, is also available — subject to certain conditions — to people in receipt of disability benefit, invalidity pension, disability allowance, blind pension and unemployment supplement. This is a weekly payment which allows people to take up approved employment while retaining a percentage of their social welfare payment for three years — four years in the case of self-employment — and to retain any secondary benefits to which they have been entitled for that period. There are approximately 1,300 people availing of the back to work allowance who have been in receipt of illness or disability payments.

Access to the back to education scheme — subject to qualifying conditions — is similarly available for people in receipt of the aforementioned schemes. This is an allowance paid at a standard rate for the duration of the educational course which the person undertakes at either second or third level. Any secondary benefits to which the person had entitlement are also retained for the duration of the payment. In addition, an annual cost of education allowance is payable at the commencement of each academic year to assist with the purchase of books and other relevant materials. There are 350 people participating in the back to education scheme who had been receiving disability or illness payments.

As part of the Government's expenditure review initiative, a working group established by my Department has reviewed the illness and disability schemes and identified a number of areas where employment support could be further strengthened within the system and across Departments. These include: recognition of the fact that some people's medical and other circumstances may mean that they have some capacity for work, but may never achieve full-time work; ensuring that employment support measures do not act as a disincentive for people with disabilities and long-term illnesses in maximising their employment and earnings potential; retaining a range of employment supports for different groups and ensuring clients are referred to the most suitable option, having regard to the nature of their illness-disability, age, social circumstances etc.; and the introduction of early intervention measures aimed at re-integrating people who sustain serious illnesses, injuries and disabilities back into the workforce before they become long-term dependent on social welfare payments.

The implementation of the various recommendations of the report is being progressed in the context of developments generally for people with disabilities. The review also stresses the importance of meeting the additional costs of disability in ways that are less dependent on labour force status, if people with disabilities are to be given the opportunity to participate in the workforce. My Department is represented on the interdepartmental working group, chaired by the Department of Health and Children, which is examining this issue.

Question No. 21 answered with Question No. 14.

Anti-Poverty Strategy.

22. **Mr. Penrose** asked the Minister for Social and Family Affairs if his attention has been drawn to the EU survey on income and living conditions published by the Central Statistics Office on 12 December 2005 which showed that almost one in five of the population was at risk of poverty and that almost one third of persons in lone parent households were in consistent pov-

erty; the steps he intends to take to deal with this situation and reduce the unacceptable level of poverty; and if he will make a statement on the matter. [4696/06]

Minister for Social and Family Affairs (Mr. Brennan): The EU survey on income and living conditions, EU-SILC, which commenced in Ireland in June 2003, is an annual survey that provides information on poverty, deprivation and social exclusion. The most recent results, announced on 12 December 2005, record continuing positive trends in relation to poverty and social exclusion, and show the impact being made by the greatly increased resources now devoted to social welfare and other social services.

Results from the first two years of EU-SILC show that there has been a slight decrease in the percentage of persons at risk of poverty, based on the proportion of the population below an income threshold of 60% of median income, from 19.7% in 2003 to 19.4% in 2004. These figures represent a halting of the upward trend of previous years in the numbers in the broad category of "at risk of poverty", which reflect the impact of real improvements in employment and social provision over the past number of years. The significant shifts from unemployment into employment have been an important factor in moving persons away from the risk of poverty. Real increases in social welfare levels with the lowest social welfare rates being increased by 40% between 2001 and 2005, while the consumer price index increased by just over 13% in the same period, have also been a major factor.

It should be noted that those below the 60% of median income threshold are categorised as being "at risk of poverty" but many may not be in poverty as generally understood. That depends on other factors such as the extent to which their income is below the threshold, the length of time they have been living on a low income, the degree to which their assets will have run down while on a low income, and the other resources they have at their disposal.

For example, Table 4 of EU-SILC shows that older people, aged 65 plus, have an "at risk of poverty" rate of 27%, higher than for the other age groups. However, the proportion of older people with an income of over 50% of the median income is, at 8.2%, almost 20% less than the percentage at the 60% threshold and lower than for the other age groups. It shows that the incomes of many older people, categorised as being "at risk of poverty", are close to the 60% of median income threshold. This reality is reflected further when measured in terms of consistent poverty, for which older people record the lowest rate at 3.3%. This illustrates the real progress being made in providing for older people who, as Table 4 of EU-SILC also shows, represent the highest proportion of any age group reliant on social transfers, such as pensions, to overcome poverty.

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Another important outcome highlighted by the survey is the significant reduction in the consistent poverty rate from 8.8% in 2003 to 6.8% in 2004. The consistent poverty measure is used in this country to identify those experiencing basic deprivation. This is calculated by identifying from among people at risk of poverty, that is, with incomes below the 60% median income threshold, those who are also deprived of basic goods and services regarded as essential for living in Ireland today. There was a slight but significant downward trend in the consistent poverty rate for lone parents from 33.6% in 2003 to 31.1% in 2004, which if continued at that rate, could result in a significant improvement in the living standards of one of the more vulnerable groups in our society and their children over the coming years.

It is generally accepted that for all people in working age households, the main route out of poverty is through employment. Employment participation among lone parents in this country is among the lowest among OECD countries. This outcome occurs despite the huge growth in job opportunities in recent years, increased female participation in the workforce and the income disregards afforded to lone parents who take up employment under my Department's one-parent family payment.

One of the key tasks in the ending child poverty initiative under Sustaining Progress is to address obstacles to employment for lone parents. The Senior Officials Group on Social Inclusion was mandated late in 2004 to examine this issue and report back to the Cabinet Committee on Social Inclusion with specific proposals.

As part of this work, a group was established in my Department to review the income support arrangements for lone parents. The Cabinet has approved the reports of both working groups and they will be published in the near future. This will be followed by a consultation process in which, in particular, lone parents and the organisations representing them will be invited to participate.

It is my intention following these reviews, and building on initiatives already in place, to bring forward proposals designed to ensure that lone parents have the support to make the same choices as people in their situation have in other countries, particularly in terms of educational opportunities, employment and achieving improved living standards, and, overall, a better future for themselves and their children.

Social Welfare Code.

23. **Dr. Cowley** asked the Minister for Social and Family Affairs if the parameters of the living alone allowance will be changed to enable people living alone who qualify for the household benefits package to also qualify for LLA and have same age related rather than on a qualifying basis; and if he will make a statement on the matter. [4602/06]

Minister for Social and Family Affairs (Mr. Brennan): The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The allowance is intended as a contribution towards the additional costs people face when they live alone.

The allowance is not a payment in its own right but one which is paid as a supplement to a social welfare payment and considered to be part of the overall payment structure. As such, it cannot be paid to people without a social welfare entitlement or to those whose pension payments are made under the social security regimes of other countries.

On the other hand, the household benefits package, which comprises the electricity-gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test. People aged over 70 years of age can qualify regardless of their income or household composition.

24. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of people who have been refused social welfare entitlements under the habitual residency clause in the past 12 months; and if he will make a statement on the matter. [4726/06]

52. **Mr. Coveney** asked the Minister for Social and Family Affairs if, when and to whom the habitual residence condition applies; the payments that are covered by the condition; and if he will make a statement on the matter. [4648/06]

74. **Mr. Costello** asked the Minister for Social and Family Affairs the number of persons from EU countries who joined the Community in 2004 who have applied for and received unemployment benefit or assistance since May 2004; his views on the fact that these figures show the fears of welfare tourism that were expressed at the time were unfounded; and if he will make a statement on the matter. [4705/06]

134. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of people who have been refused social welfare entitlements on the basis of the habitual residency clause since its introduction; and if he will make a statement on the matter. [4902/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 24, 52, 74 and 134 together.

The requirement to be habitually resident in Ireland was introduced as a qualifying condition for child benefit and for the following social

assistance schemes — with effect from 1 May 2004 — unemployment assistance; old age non-contributory pension; blind pension; widow's-widower's and orphan's non-contributory pensions; one-parent family payment; carer's allowance; disability allowance; and supplementary welfare allowance, other than once-off exceptional and urgent needs payments.

The basis for the restriction contained in the rules is the applicant's habitual residence. The restriction is not based on citizenship, nationality, immigration status or any other factor. The effect is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland.

The question of what is a person's "habitual residence" is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims.

Each case received for a determination on the habitual residence condition is dealt with in its own right and a decision is based on application of the guidelines to the particular individual circumstances of each case. Any applicant who disagrees with the decision of a deciding officer has the right to appeal to the social welfare appeals office.

The habitual residence condition is being operated in a careful manner to ensure that Ireland's social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it. Straightforward cases are dealt with at my Department's local offices and relevant headquarters offices while complex cases and cases where there is a doubt are dealt with in specialised units.

For the period 1 May 2004 to 6 February 2006, the number of habitual residence cases decided in specialist units was 30,314. The total number of cases deemed not habitually resident was 7,123 — 23%.

A total of 2,491 applications for unemployment assistance from nationals of the ten new member states have been submitted to the relevant specialised unit since May 2004. Some 1,635 of those were rejected on habitual residence grounds, 765 were deemed to be habitually resident and 91 cases are currently under consideration.

For the period 1 February 2005 to 31 January 2006, the number of habitual residence cases decided in the central section and the scheme areas referred to above was 20,400. The total number of cases deemed not habitually resident was 4,558 — 22%. As of the end of January 2006, the number of people from the new member states on the live register was 1,715. Of these 858 were claiming unemployment assistance, 786 unemployment benefit and 71 were claiming PRSI credits only. To put the live register figure into perspective 173,000 PPS numbers were issued to citizens of the new member states over the period from May 2004 to week ending 21 January 2006.

These data do not support a view that "welfare tourism" is a problem. However, in introducing a habitual residence condition, the Government wished to ensure that Ireland's social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it. I am satisfied that the arrangements introduced were necessary at that time. A review of the condition is ongoing at present within my Department and will be available to me shortly at which stage I will consider what if any changes might be made in the light of experience to date.

Social Welfare Expenditure.

25. **Mr. Gilmore** asked the Minister for Social and Family Affairs if his attention has been drawn to recent figures from the EU showing that Ireland spent just 16% of its GDP on social benefits compared to an EU average of 27.7%; his plans to increase social spending towards the EU average; the estimated proportion of GDP likely to be spent on social benefits in 2006; and if he will make a statement on the matter. [4707/06]

Minister for Social and Family Affairs (Mr. Brennan): EUROSTAT, the Statistical Office of the EU, publishes comparisons of social protection expenditure as a percentage of GDP across the EU. This encompasses not only social welfare expenditure but also expenditure in other areas such as health care, social housing, employment support programmes and other social inclusion programmes. The latest such statistics were released on 20 October 2005 and deal with developments up to and including 2002. No comparable figures are yet available for 2003 or 2004.

When examining such data it is important to remember that gross expenditure measures do not take account of social charges or taxes which may be levied on benefits after they are paid, nor do they include transfers made by means of tax concessions, as opposed to direct cash payments. For example, tax relief on contributions towards occupational and private pensions, which are an important feature of Ireland's pension system, is not counted as expenditure.

The EUROSTAT release draws attention to the fact the EU average masks major national differences in the structure of social protection funding, partly related to differing levels of wealth between countries, and also reflect differences in social protection systems, demographic trends, unemployment rates and other social, institutional and economic factors. The level of expenditure is also significantly influenced by the age profile of the population. Ireland, currently with the youngest population in the EU, needs to spend less on pensions and health care-care of the elderly than most other member states. In 2002 social protection expenditure accounted for

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27.7% of GDP in the EU-25 countries, compared to 27.3% in 2001. The corresponding ratio for Ireland was 16% compared to 15.3% in 2001.

Social protection expenditure as a percentage of GDP is crucially dependent on the pace of economic growth and the level of unemployment. The statistics show that for the EU-15 countries social protection expenditure relative to GDP had fallen from its maximum share of 28.7% in 1993 until 1999 when it accounted for 27.3%. This was due to renewed GDP growth and slower growth in social protection expenditure, particularly related to unemployment benefits. Ireland's position mirrored that of the EU-15, except that the level of economic growth and the decline in unemployment were much greater in Ireland than in most other EU countries and consequently the drop in the percentage of GDP accounted for by social protection expenditure was greater — from 20.2% in 1993 to 14.7% in 1999.

The fact is that under this Government there has been a sustained and substantial increase in social protection expenditure. The EUROSTAT report states that the increase in Ireland's *per capita* expenditure from 1998 to 2002, 8.7% per annum on average and the highest of all EU countries, in comparison to that of the EU as a whole, 2.5% per annum, was "particularly pronounced". Moreover, it should be noted that social welfare expenditure will have increased substantially during the three year period 2002 to 2005 — an overall increase of 29 %, which was well ahead of the corresponding increases in prices and in earnings.

As announced in last December's budget, overall spending this year on social welfare will be at its highest ever level, €13.553 billion — an increase of over €1.3 billion from the 2005 level. Figures are not yet available to provide a corresponding estimate of the proportion of GDP spent on social protection programmes in 2006.

This Government will continue to address the scope for further improvements in Ireland's social protection infrastructure, guided by the national anti-poverty strategy, while at the same time continuing to take the measures necessary to maintain economic growth and competitiveness and thereby generate the resources for further social investment.

Social Welfare Schemes.

26. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the position regarding the introduction of an all-Ireland free travel scheme; the latest discussions he has had on this issue; the reasons for the delay in its implementation; and if he will make a statement on the matter. [4717/06]

Minister for Social and Family Affairs (Mr. Brennan): The programme for Government con-

tains a commitment to a scheme of all-Ireland free travel for pensioners resident in all parts of the island of Ireland. The scheme would enable pensioners resident here to travel free of charge on all bus and rail services in Northern Ireland. Likewise, pensioners in Northern Ireland would travel free of charge on all bus and rail services in this State.

In July 1995, my Department introduced the cross-Border free travel scheme. This scheme extended free travel entitlement so that free travel pass holders resident in Ireland could undertake a cross-Border journey from a point of departure in one jurisdiction to a destination in the other jurisdiction free of charge.

My Department covers the full cost of cross-Border journeys made by Department of Social and Family Affairs pass holders. It also covers the cost of the southern element of cross-Border journeys undertaken by Northern Ireland pass holders. Under its own concessionary fares scheme, the Department for Regional Development for Northern Ireland covers the cost of the northern element of cross-Border bus and rail journeys made by Northern Ireland pass holders. Some 220,000 cross-Border journeys are undertaken each year at a total cost of €3.3 million; my Department pays €2.9 million and the remaining €0.4 million is covered by the Department for Regional Development for Northern Ireland.

The introduction of an all-Ireland free travel scheme would further extend the existing arrangements by allowing pass holders to take onward journeys free of charge. The cost of an all-Ireland free travel scheme would ultimately depend upon the extent to which pass holders avail of it.

My predecessor initiated discussions with the then Minister of State at the Department of Regional Development in Northern Ireland in September 2004. Most recently, the proposed scheme was discussed at the British-Irish Intergovernmental Conference on 27 June 2005 and I met with Mr. Shaun Woodward, MP, Parliamentary Under-Secretary of State at the Northern Ireland Office the following week during which we discussed the introduction of a scheme.

Officials from my Department have regular contacts with their counterparts in the Department for Regional Development for Northern Ireland concerning the operation of the existing cross-Border free travel scheme. Discussions in relation to the introduction of the proposed all-Ireland free travel scheme have also taken place. Since I met Shaun Woodward, MP, there have been further discussions between officials from both jurisdictions.

There are a number of operational, financial and legal matters to be addressed. These include the need to develop a smartcard travel pass for our customers which would improve the security of the pass and which would provide accurate information on the number of people using the cards and the number of trips undertaken each

year. There is also a need to introduce a new registration and authentication process for my Department's customers.

Significant progress has been made in addressing the issues related to an all-Ireland free travel scheme. I hope to be able to make an announcement regarding the scheme in the next few months.

Anti-Poverty Strategy.

27. **Mr. English** asked the Minister for Social and Family Affairs his views on whether NAPS has lived up to its potential as an instrument to identify and remove, in a systematic way, barriers to people trying to break out of social exclusion into full participation in society; and if he will make a statement on the matter. [4656/06]

Minister for Social and Family Affairs (Mr. Brennan): It is now generally recognised that the causes and effects of poverty and social exclusion are multifaceted. These require a strategic, integrated, multi-policy response for application at national, regional and local levels with the overall aim of progressively achieving social inclusion. Consultation with all the relevant stakeholders is an integral part of the process.

The Government began this type of strategic process in 1997 with the first national anti-poverty strategy, NAPS. Following the meeting of the European Council in Lisbon in 2000, the EU embarked on a similar process through the open method of co-ordination. Member states made a commitment to produce at regular intervals national action plans against poverty and social exclusion, NAPs/inclusion. These set down their strategies to meet commonly agreed objectives and the measures to implement the strategies over the period of the plans. The main aim of the process is to make a decisive impact on poverty EU-wide by 2010.

The national anti-poverty strategy has now been combined with EU process, which involves broadly the same approach and seeks the same outcomes in terms of progressively reducing and ultimately eradicating poverty and social exclusion.

The Deputy will be aware that Ireland has produced two NAPs/inclusion covering the periods 2001-2003 and 2003-2005, respectively. The next NAP/inclusion, delayed by a year to accommodate participation by the ten new member states, is scheduled to be submitted by September 2006. This will form part of a new streamlined process, which will also include strategies on pensions, and on health and long-term care.

The strategic approach has, over almost ten years, become embedded in the policy making and policy development process. The strategies have helped identify the barriers that may prevent people breaking out of poverty and social exclusion largely using an evidence based approach. The measures required to systemati-

cally overcome these barriers and to promote the achievement of social inclusion, incorporating clear objectives and targets, are set down in the plans.

As Minister for Social and Family Affairs, I have lead responsibility for driving this process, working closely with my ministerial colleagues through the Cabinet Committee on Social Inclusion. Strong institutional structures are in place to underpin the process, including structures to facilitate consultation with the social partners, involving the community and voluntary sector. The Office for Social Inclusion, OSI, in my Department co-ordinates the process at official level. The plans and the reports on their implementation are submitted for evaluation to the EU Commission and are also considered by other member states through a process of peer review. The EU has acknowledged that the strategic process in Ireland is well developed, but inevitably points to areas to which priority for action needs to be given in future plans.

The multifaceted nature of the process promotes greater co-ordination among Departments and agencies in meeting more effectively, in an integrated way, the needs of those who are poor and socially excluded. The exchanges, under the open method of co-ordination, of knowledge, experience, expertise and best practice between member states in relation to the common challenges we face in tackling poverty and social exclusion also greatly assist with policy development and implementation.

The commonly agreed indicators enable countries to determine the progress being made in achieving better outcomes and how such progress compares with that of other countries. The degree to which progress can be made is for all countries constrained by the need to maintain economic competitiveness and growth which are the basic motors for ending poverty and creating a socially inclusive society. However, the process also shows that effective social policies have positive economic effects, particularly in supporting vulnerable people in obtaining the education, skills and opportunities to obtain employment, and the independence and self-sufficiency it confers. Failure to reduce and ultimately eradicate poverty can impose a serious burden on a country's economic capacity, in addition to the social costs and real suffering for so many.

The strategic process being implemented through successive NAPs/inclusion is, therefore, at the very core of this Government's social and economic policies.

The current NAP/inclusion contains a series of commitments across relevant policy areas, including targets to increase participation in employment, to improve levels of educational attainment and to improve access to services and good quality housing. A review of implementation of the plan was undertaken in June 2005 and found that some 51 of its 58 targets and commitments had

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either been met or were in the process of being met.

EU member states are due to submit the next round of NAPs/inclusion, covering the two year period from 2006 to 2008, to the EU in September 2006. In September last year, OSI embarked on an extensive consultation process with stakeholders, including people who are experiencing poverty and social exclusion and those who work to support them directly or indirectly, in an effort to avail at first hand of their knowledge, experience and expertise. This consultation process will culminate with the Social Inclusion Forum which is to be held on 15 February.

Since 1997 when this strategic process commenced, we have achieved unprecedented levels of economic growth and improvements across the board in our living standards. The greatest social as well as economic achievement of this period has been the huge level of job creation. Employment creation affords the main route out of poverty and social exclusion and, in particular, it has halted and reversed involuntary emigration, which for so long in Ireland has been one of the more tragic and enduring forms of social exclusion. A combination of sound economic and active social policies based on social partnership have been the basis of this success, to which many other countries now look for guidance in meeting the same type of challenges.

Our task now is to prepare the next action plan that will address, as a priority, the needs of those who have not been as successful in benefiting from our economic boom of recent years. This will involve removing barriers, especially to employment, that may have impeded them in the past and giving them the supports they need to achieve social inclusion in the Ireland of today.

I have a strong commitment to ensuring social inclusion will be achieved for the many who still remain vulnerable in our society. The Government is fully committed to taking the necessary measures, within the economic constraints, to provide for the necessary measures in the next NAP/inclusion.

Social Welfare Benefits.

28. **Mr. Bruton** asked the Minister for Social and Family Affairs when he intends to introduce the new measures for the diet supplement; and if he will make a statement on the matter. [4644/06]

38. **Mr. Gormley** asked the Minister for Social and Family Affairs when he intends to introduce a revised supplement system for people on special diets to take account of the findings of the recent Irish Nutrition and Dietetic Institute Report which found large variations in current food prices. [4685/06]

62. **Mr. S. Ryan** asked the Minister for Social and Family Affairs when he expects to introduce the revised diet supplement payment he promised when he launched the recent report on the cost of healthy eating and the cost of special diets; the way in which the revised payment will differ from the current one; and if he will make a statement on the matter. [4699/06]

66. **Mr. Coveney** asked the Minister for Social and Family Affairs if and when he intends to introduce new regulations for the diet supplement; and if he will make a statement on the matter. [4649/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 28, 38, 62 and 66 together.

Diet supplements are provided through the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. Any person who is receiving a social welfare or health service executive payment, who has been prescribed a special diet as a result of a specified medical condition and who is unable to provide for his or her food needs from within his or her own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme. Diet supplements are subject to a means test. Under the existing scheme, the amount of supplement payable in individual cases depends on which of two categories of diet — low cost or high cost — has been prescribed by the applicant's medical adviser, and the income of the individual and his or her dependants.

With effect from 1 January 2004 the diet supplement scheme was restructured to take account of increases in both social welfare payment rates and the rate of food inflation. In the case of new applicants for diet supplement the amount of supplement payable is based on increased up to date diet costs, €44 for lower cost diets or €57 for higher cost diets, less one third of the applicant's income or one sixth of the joint income in the case of a couple. Because increases in the social welfare payment rates were higher than food price inflation since 1996, the shortfall to be met by the diet supplement is less than it was in the past. However, as a special arrangement, people who were in receipt of a diet supplement prior to the introduction of the revised regulations on 1 January 2004 continue to receive their existing rate of supplement until such time as there is a change in their circumstances that would warrant a review of their cases.

In order to inform a re-appraisal of the scheme, my Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute. The study examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement scheme. The study also considered the appropriate level of assistance required to cater for any

additional costs involved in providing for necessary special diets, relative to the cost of a normal healthy eating diet. This report was formally presented to me on 23 January 2006.

The Report of the Irish Nutrition and Dietetic Institute is the most comprehensive review of specialised diets and food costs that has been carried out in the past decade. The study found that the price of a healthy food diet in general varies considerably depending on where a person shops. Food costs in some cases can be 57% more on average in convenience stores than in the large low-cost stores.

The study recommends a new framework for classifying the various diets under which all the existing prescribed diets would fall into four categories, namely, a gluten free diet; a low lactose milk free diet; a high protein high calorie diet; and a liquidised altered consistency diet.

My Department is finalising a revised scheme and regulations which will take account of the findings and recommendations of the study. I recognise that not everybody is in a position to do their shopping at the cheapest shops. For that reason, I intend to base the new diet supplement scheme on the food costs at convenience stores in order to protect the position of those who cannot shop around due to location, age or other reason. My objective is to ensure that nobody who has been prescribed a special diet will have to spend more than one third of his or her income on food. Pending finalisation of new regulations, diet supplements continue to be provided for existing recipients and new applicants as heretofore.

In addition to improving the diet supplement scheme, I also want to ensure that other social welfare recipients can afford a healthy eating diet. The record increases in weekly social welfare payment rates introduced by the recent budget will help to achieve this.

29. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the number of recipients in receipt of family income supplement at the latest date for which figures are available; the way in which this figure compares with statistics compiled by the Revenue Commissioners on the number of earners within the income limits; his plans for a campaign to promote greater awareness of family income supplement; and if he will make a statement on the matter. [4716/06]

Minister for Social and Family Affairs (Mr. Brennan): The number of families benefiting from the family income supplement scheme on 3 February 2006 was 17,382. Payment was made in respect of 33,942 children.

Family income supplement, FIS, is a payment made to families who are in low-income employment with children, thereby preserving the incentive to remain in employment in circumstances where they might only be marginally better off than if they were fully reliant on social welfare payments.

Weekly payments of FIS are made to families, including one-parent families with children, where one or more parent is in full-time remunerative employment of not less than 19 hours per week or 38 hours per fortnight, where the employment is likely to last at least three months and where the income of the family is less than a prescribed weekly threshold. This threshold varies in line with the number of children in the family.

The number of families with incomes below these thresholds who are eligible for family income supplement are not directly comparable with income statistics compiled by the Revenue Commissioners for a number of reasons, including the fact that the Revenue data do not, generally speaking, take into account the number of hours worked, the number of children in a family nor social welfare income which might not be taxed but would still be taken into account for FIS.

It is not possible to estimate from administrative sources the number of families who would be eligible but do not apply for their entitlements under the family income supplement scheme. However, research undertaken by the Economic and Social Research Institute, ESRI, in 1997, which was based on the results of the Living in Ireland Survey 1994, suggested that fewer than one in three of potentially eligible claimants were actually in receipt of the payment. Since those with a higher entitlement are more likely to avail of the scheme, the take-up in expenditure terms was estimated to be somewhat higher, at between 35% and 38% of potential expenditure. It is expected that the ESRI will produce more recent data on family income supplement later in the first quarter of 2006.

My Department undertakes a number of proactive measures to ensure that people are aware of possible entitlement to family income supplement. These include advising all newly awarded one-parent family payment recipients, advising all employers annually in PRSI mailshots and examining entitlement for all recipients of the back to work scheme.

FIS has also been extensively advertised on local and national press and radio, in poster campaigns and targeted mailshots. Information on all social welfare schemes is also available on the Department's website and from any of the Department's local offices.

While there has been extensive publicity, I am concerned that people who may be entitled to FIS are not applying for it and my officials are currently preparing a national advertising campaign to fully inform all potential recipients of their entitlements under the FIS scheme.

30. **Mr. Bruton** asked the Minister for Social and Family Affairs the number of people who have been availing of the rent supplement for 18 months or more; and if he will make a statement on the matter. [4645/06]

36. **Mr. Hayes** asked the Minister for Social and Family Affairs the progress which has been made on the long-term initiative for rent supplement tenants as announced on 4 July 2004; and if he will make a statement on the matter. [4660/06]

39. **Mr. Connaughton** asked the Minister for Social and Family Affairs the number of people who were in receipt of the rent supplement for 18 months or more and who were passed on to the local authority for a housing assessment have had their housing needs met; and if he will make a statement on the matter. [4647/06]

73. **Mr. Connaughton** asked the Minister for Social and Family Affairs the number of people receiving the rent supplement for 18 months or more who have been passed on to a local authority for a housing assessment; and if he will make a statement on the matter. [4646/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 30, 36, 39 and 73 together.

Under the supplementary welfare allowance scheme administered on my behalf by the community welfare division of the Health Service Executive, a weekly or monthly rent supplement is available to assist eligible people who are unable to meet their immediate accommodation needs through their own resources.

In recent years, a significant number of people have come to rely on rent supplements for extended periods, including people on local authority housing waiting lists. In response to this situation, the Government has introduced new rental assistance arrangements giving local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more, on a phased implementation basis. When fully operational, local authorities will meet the housing needs of these individuals through a range of approaches including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public-private partnership type rental accommodation scheme.

The Department of the Environment, Heritage and Local Government has indicated that 724 tenants have been accommodated under the rental accommodation scheme at the end of January 2006. This is the first step towards having the new arrangements fully operational nationwide by September 2008.

These arrangements are intended to be a long-term housing option for the people concerned. In order to finance this initiative €19 million was transferred from my Department's Vote to the Environment, Heritage and Local Government Vote in 2005 and a further €19 million has been transferred for 2006. Similar arrangements will apply in successive years as the new arrangements are implemented.

The rental assistance arrangements will also cater for new applicants for rent supplements and people who have been receiving rent supplement for less than 18 months as long as the local authority is satisfied that they have a long-term housing need. These people will be eligible for some form of assistance from their local authority under the scheme, whether that is contracted rental accommodation, voluntary housing or a local authority house. The question of which type of accommodation unit is provided to any individual and for how long will be a matter for the local authority to decide. Local authorities are in the process of negotiating with landlords to form a stock of contracted accommodation, as well as negotiating with the existing landlords of tenants on rent supplement.

The new rental assistance arrangements provide an imaginative additional approach in supporting people with longer-term housing needs. By definition, people on rent supplement for extended durations have a long-term housing need that they cannot otherwise meet, and many of them are on local authority housing lists.

The new scheme, particularly the rental accommodation component, will reduce housing waiting lists by providing a useful additional mechanism for providing social housing alongside more traditional social housing construction programmes and the expansion of the voluntary housing sector.

At the end of 2005, 60,176 households were in receipt of assistance under the rent supplement scheme. Over half of these, almost 33,000 tenants, have been on the scheme for 18 months or more. My Department and the Health Service Executive are actively assisting the local authorities and the Department of the Environment, Heritage and Local Government in implementing the new arrangements. For example, that Department has been supplied with detailed information in relation to the 33,000 people who have been on rent supplement for 18 months or more. My Department has also provided these details to each programme manager appointed by the local authorities.

While I am disappointed that the level of tenant placements under the scheme to date is relatively low, I note that the rate of transfer has increased over the last three months. I appreciate that the scheme is a major new direction for local housing authorities and that there will undoubtedly be problems in developing a comprehensive range of options under the scheme to match demand. There may also be problems for local authorities in taking on some individual existing rented accommodation.

As the system rolls out, it is expected that local authorities will deal with any such situation using their statutory powers in relation to housing standards and provide a suitable solution under the scheme for the tenants concerned. If the local authority cannot do so immediately for any reason, there is no question of those people being

left without housing support, as rent supplement can continue to be provided by my Department in their existing accommodation on a *pro-tem* basis until the situation is resolved.

Overall, I am satisfied that, while progress in terms of tenants transferring has been somewhat slow initially, the long-standing difficulties faced by long-term private sector tenants are being tackled and all of the relevant agencies are co-operating actively to make the new system work successfully.

Question No. 31 answered with Question No. 14.

Question No. 32 answered with Question No. 8.

Question No. 33 answered with Question No. 14.

Public Service Cards.

34. **Mr. Gogarty** asked the Minister for Social and Family Affairs if he will report on progress being made in his Department on the introduction of new travel pass cards that will facilitate the detection of fraudulent activity; and when such cards will be introduced. [4682/06]

Minister for Social and Family Affairs (Mr. Brennan): The Department is co-ordinating an interdepartmental initiative to develop a public service card. This programme of work is known as the SAFE, standard authentication framework environment, initiative. The process is intended to produce a framework for public cards which will provide a branded standard for cards within which individual public service cards can converge. Over time it is anticipated that this convergence will reduce the need for customers to carry multiple cards.

A progress report on deliberations by the interdepartmental SAFE steering group was presented to Government in 2005. Subsequent to this, the Government approved plans for the development by my Department of a public service card, to be introduced in 2007. The public service card will introduce a number of improvements, including an improved registration process and new card technology which will support much improved security features and considerably reduce the potential for forging cards and fraudulent use. My Department is looking at the potential for ultimately using this public service card in conjunction with the free travel scheme.

My Department is committed to the continued co-operation with the Garda and the various transport operators in combating fraudulent activity on the free travel pass scheme. My Department has a very good working relationship with the transport operators and the Garda in relation to combating fraud related to the free travel scheme. Regular liaison occurs and passes are seized where fraud is suspected. The Garda

National Bureau for Fraud Investigation recently announced the successful break up of a group producing forged free travel passes. It credited its success to the co-operation between my Department, CIE and the bureau.

Social Welfare Benefits.

35. **Mr. Gormley** asked the Minister for Social and Family Affairs if his attention has been drawn to the difficulties being placed on parents who are in receipt of single parent allowance from their local post offices and only have four days to collect payments; and his plans to extend the collection period. [4684/06]

Minister for Social and Family Affairs (Mr. Brennan): The one-parent family payment, OPFP, is the income support scheme for separated, unmarried and widowed persons and also for prisoners' spouses who are bringing up a child or children without the support of a partner. At the end of December 2005, the total number of one parent family recipients being paid by my Department was 83,066. Included in this figure are payments to 906 widowed persons.

The current scheme was introduced in 1997 when it replaced a number of schemes for different categories of lone parent. These schemes included lone parents allowance and deserted wife's benefit. Under the current scheme lone parents are encouraged to maximise their income from different sources and the means test for this scheme makes provision for the exemption of significant levels of earnings and maintenance payments.

Lone parents may earn up to €146.50 per week from employment without affecting their payment. Above that level, half of any earnings are assessed, up to a maximum of €293 per week. The maximum limit of €293 is being increased to €375 per week with effect from June 2006 as a result of changes introduced in the last budget. Lone parents may also be eligible to avail of the range of employment support services operated by the Department.

Following a review of the arrangements for administering the scheme, it was decided that services should in future be provided through my Department's local offices. The primary aim of providing services at local level is to improve customer service by reducing claim processing times through closer linkage with the local investigative officer network. Furthermore, by accessing services at local level lone parents come into direct contact with my Department's employment support services. These services provide support and encouragement to lone parents to access educational courses through schemes such as the back to education scheme or to take up work with the support of the back to work allowance scheme.

My Department currently processes new applications for one-parent family payment, OPFP, at

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36 social welfare local offices. Plans are in place to move claims already in payment, which are currently administered in Sligo, to social welfare local offices during 2006 and for this move to be finalised early in 2007. The benefits of having these claims administered at local level are already evident as the average processing time for claim applications has dropped from 16 weeks to an average of seven weeks since the change.

Some 17,000 claims for one-parent family payment are received each year — equivalent to 330 per week on average. There are currently 3,608 one-parent family payment applications awaiting final decision. In addition to processing of new claims, there is significant ongoing interaction with existing clients. Generally, recipients of one-parent family payment are in a relatively young age bracket and they are likely to move in and out of employment, education or training on a regular basis or to have other changes in their family or household circumstances during the course of their entitlement to payment. Approximately 70,000 existing cases — an average of 1,300 per week — are reviewed for these reasons each year.

As part of the preparations for moving the administration of the OPFP scheme to local level some 44,000 OPFP customers who up to this time were paid by means of an order book will, from the middle of this month, collect their payment in post offices by using their social services card. As part of the Department's control processes, the payment should be collected by close of business on the Tuesday following the Thursday payday. If the money is not collected by then, contact should be made with the Department.

In circumstances where the customer has been unable to collect the payment, for instance due to illness, work commitments, holidays etc., arrangements are made to have the payment reissued as soon as possible and the payment is not forfeited. This payment method has been in operation for certain one parent families for some years. Currently, nearly 6,000 one-parent family payment customers receive their payment weekly in the post offices using this payment method and they are generally satisfied with the arrangement.

Although existing customers on EIT payments are satisfied with the system I have asked my officials to review the situation regarding the period of these payments with a view to extending it if possible. Any customer having difficulty with collecting the payment every week can contact the one-parent family payment section in Sligo who provide advice on a range of other payment options.

Question No. 36 answered with Question No. 30.

Social Welfare Appeals.

37. **Mr. Curran** asked the Minister for Social

and Family Affairs the statistical breakdown in respect of each Health Service Executive area on the outcome of appeals to the designated officer for appeals in each Health Service Executive area regarding applications for social welfare rent supplement allowance that have been refused by a superintendent community welfare officer. [4507/06]

53. **Mr. Curran** asked the Minister for Social and Family Affairs, further to the social welfare rent supplement allowance, the reason decisions on appeals are not made as quickly as the decisions being appealed against. [4508/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 37 and 53 together.

The supplementary welfare allowance scheme, SWA, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive, HSE. The purpose of the scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Neither I nor my Department has any function in relation to decisions on individual claims or in relation to decisions of the executive's appeals officers.

Where a person is dissatisfied with the outcome of an application for rent supplement he or she may appeal against the decision to the appeals officer in the relevant HSE area. If the person is not satisfied with the decision of the HSE appeals office the person may further appeal the decision to the independent social welfare appeals office.

The HSE has supplied the following statistics on rent supplement appeals for the calendar year 2005; there were 549 rent supplement appeals allowed, 860 rent supplement appeals disallowed and 267 rent supplement appeals withdrawn in the HSE appeals offices. A breakdown of the rent supplement appeals by HSE area is shown in the tabular statement set out below.

The timescale for completing an appeal from the date of receipt to the communication of a determination is dependent, among other things, on the availability of the required information such as details of the applicant's income, bank statements, information from landlords etc. The person who originally made the decision may be asked to review the case in the light of any additional information supplied in relation to the appeal.

In addition, some aspects of the appeals procedure are inevitably time consuming and delays can occur where the grounds of appeal require further investigation such as home visits or third party evidence. Delays can also occur if an appellant is not in a position to proceed with an appeal or is slow to respond to requests for additional information.

The provision of a prompt service is a major objective of any appeals office. This has to be achieved, however, in a manner that is consistent with the demands of natural justice and the need to ensure that every appeal is fully investigated. Accordingly, in certain cases the time taken to process an appeal of a rent supplement claim may take longer than the time taken to process the original decision.

The HSE has advised that, in general, the period for the completion of the rent supplement appeals process in the HSE is 21 to 28 days. However, cases of greater complexity may require a longer period.

Rent Supplement Appeals by HSE Area 2005

HSE Area	Allowed	Disallowed	Withdrawn
Eastern	227	288	86
Midland	8	12	—
Mid-Western	74	84	25
North Eastern	7	18	2
North Western	12	38	5
South Eastern	31	96	41
Southern	181	271	108
Western	9	53	—
Total	549	860	267

Question No. 38 answered with Question No. 28.

Question No. 39 answered with Question No. 30.

Pension Provisions.

40. **Ms Lynch** asked the Minister for Social and Family Affairs the steps he is taking to address continuing concerns regarding reported large scale abuse of the construction industry pension scheme; and if he will make a statement on the matter. [4712/06]

Minister for Social and Family Affairs (Mr. Brennan): The construction federation operatives pensions scheme operates as a registered employment agreement under the Industrial Relations Acts. There is a statutory obligation on employers to register eligible employees in the scheme and to pay the necessary contributions.

Compliance with the terms of the scheme is enforced through the Construction Industry Monitoring Agency, the Labour Court and the Department of Enterprise, Trade and Employment. The Pensions Board also has a role in relation to the scheme in so far as compliance with the various aspects of the Pensions Act are concerned. However, the main difficulties with the scheme relate to failure to register employees and-or to deduct contributions to the scheme and these issues are a matter for the Construction Industry Monitoring Agency, the Labour Court

and the Department of Enterprise, Trade and Employment.

The Pensions Board has a very limited role in ensuring compliance with the scheme in question. However, because of ongoing controversy in relation to the scheme and compliance with its terms, the board facilitated a report on the scheme in conjunction with the Department of Enterprise, Trade and Employment. The report was undertaken by Mercer Human Resource Consulting and it found that 80% of the estimated 80,000 eligible employees in the industry are covered by the scheme. However, the report does highlight the fact that an estimated 70,000 operatives are classed as self-employed and are therefore not eligible to join the scheme.

Mercer has made a range of recommendations designed to improve compliance with the scheme involving the Department of Enterprise, Trade and Employment, the Department of Finance, the Revenue Commissioners and my Department. Copies of the report have been provided to the relevant Ministers.

In relation to my Department, the report recommended that consideration be given to using the PRSI system as a means of enforcing the scheme and collecting contributions. This gives rise to a number of major issues, not least of which is the extent to which the Department should be directly involved in the administration of what is a private pension scheme. Major legislative change would be required and the accounting and operational arrangements of the PRSI system would need to be adapted to meet the needs and requirements of a funded pension system. In the circumstances, my Department does not consider the use of the PRSI system is appropriate or practical. Putting the Construction Industry Monitoring Agency on a statutory footing and dealing with issues in relation to self-employment in the industry, as also proposed in the Mercer report, are in my view the ways forward. These are matters for the Minister for Enterprise, Trade and Employment and the Revenue Commissioners, respectively.

Following a meeting I had with trade unions representing construction workers, I have taken up with my colleague, the Minister for Finance, the issue of requiring compliance with the requirements under the construction federation operatives pensions scheme by companies awarded public sector contracts.

Question No. 41 answered with Question No. 6.

Social Welfare Benefits.

42. **Mr. McCormack** asked the Minister for Social and Family Affairs the reason the child dependant allowance has not been increased for the past 11 years in view of the fact that he has identified child poverty as one of the Govern-

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ment's key challenges; and if he will make a statement on the matter. [4670/06]

55. **Mr. McGinley** asked the Minister for Social and Family Affairs if the research into the development of a second tier payment has been completed by the NESc; when the findings are due to be published; and if he will make a statement on the matter. [4671/06]

67. **Mr. P. Breen** asked the Minister for Social and Family Affairs the progress to date in 2006 on introducing a two-tier payment targeted at children in poverty; and if he will make a statement on the matter. [4643/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 42, 55 and 67 together.

My Department provides child income support in a number of ways. The principal support is child benefit, a universal payment which is neutral vis-à-vis the employment status of the child's parents and does not contribute to poverty traps. Over the period since 1997, the monthly rates of child benefit have increased by €111.91 at the lower rate and €135.48 at the higher rate, increases of 293.8% and 273.6 %, respectively.

From April 2006, child benefit rates will be €150 per month for each of the first two children and €185 per month for the third and each subsequent child. Child benefit is paid to over 547,540 families in respect of approximately 1,060,740 children.

A second child income support is child dependant allowance, paid in addition to weekly social welfare payments in respect of approximately 255,737 children at full rate and 83,577 at half rate. In addition, my Department provides cash support by way of weekly payments to families at work on low pay through the family income supplement scheme. A number of improvements have been made to the scheme over the years, including assessment of entitlement on the basis of net rather than gross income and progressive increases in the income thresholds, making it easier for lower income households to qualify for payment. As a result, there are currently over 17,400 families receiving a weekly FIS payment, reaching nearly 34,000 children. This is the highest number of FIS recipients in the history of the scheme.

Child poverty is clearly a complex area requiring co-ordinated action across a range of Government services and income support payments. The development of income supports which can make the most effective contribution to child poverty lies within my Department's responsibilities and a series of budgets have increased considerably in real terms the level of resources which are going to families with children.

While the solutions to the problem of child poverty cover a wide range of measures, including income supports and services, I am committed to reviewing the role of child income supports in this regard. This includes examining the feasibility of merging the family income supplement and child dependant allowance into a second tier child income support taking account of an examination being carried out in this area by the National Economic and Social Council.

The NESc is currently considering its draft report and I look forward to receiving a finalised report which will be of significant assistance in informing the future direction of child income support policy. Any future proposals in relation to CDAs and FIS will be assessed in the wider context of this review.

Emigrant Support Services.

43. **Mr. Rabbitte** asked the Minister for Social and Family Affairs if he will make a statement on his recent visit to the United States and his discussions with Irish emigrant groups there; and if he will make a statement on the matter. [4719/06]

Minister for Social and Family Affairs (Mr. Brennan): The role of my Department in supporting Irish emigrant groups abroad has centred on providing good quality, clear and comprehensive information for Irish people who wish to return to live in Ireland. My Department ensures that appropriate and relevant information for our emigrants abroad is available by funding and supporting the various voluntary agencies involved in this work. In carrying out these functions my Department works closely with the Irish abroad unit of the Department of Foreign Affairs which has primary responsibility for policy relating to emigrants and their support while abroad.

Emigrant Advice is the main voluntary organisation in Ireland involved in providing information for people intending to go abroad to work and for those emigrants abroad who are considering coming home. In 2005 my Department provided some €150,000 to assist this organisation with its work, which included the updating and publication of the information guide entitled "Returning to Ireland". This guide includes information on a wide range of topics including social welfare, health, pensions, taxation, education and accommodation. The information is presented in a way that is tailored to the needs of targeted groups of people, for instance, the elderly coming home to retire, single people returning to Ireland to find work, and the needs of families hoping to start a new life in Ireland. The guide outlines in a comprehensive way the benefits and costs associated with returning to Ireland to live. Copies have been posted to all our Irish immigrant centres abroad and to all Irish embassies and consulates. It has also been widely distributed to organisations in Ireland with an information giving role

such as citizens information centres, FÁS offices and social welfare local offices.

I accepted an invitation from the board of the Emerald Isle Immigration Centre to visit their premises in New York on 1 February 2006 and to launch the guide at a gathering of Irish advice workers from Irish immigration centres throughout the USA. I feel it is important to demonstrate our support for our emigrants and emigrant groups. My visit to the centre was an opportunity to demonstrate that support and to help publicise this very important guide as broadly as possible.

I also accepted an invitation from the Irish Immigration and Pastoral Centre in Philadelphia to visit its centre on 2 February 2006. This year my Department provided funding of €25,000 to the centre for an information project to meet the needs of Irish immigrants in the Philadelphia and Delaware region. At the centre I met representatives of various Irish immigrant groups and other organisations and discussed how my Department could assist and support them in the provision of information and advice to Irish immigrants.

In both New York and Philadelphia, I was briefed and updated on the growing concerns over the situation of the undocumented Irish in the US and the problems they are currently encountering. In addition, while in Philadelphia I took the opportunity to visit the Social Security Administration Centre when I had the opportunity to see and hear at first hand how they use telephone facilities to provide enhanced services to customers.

Questions Nos. 44 and 45 answered with Question No. 14.

Question No. 46 answered with Question No. 6.

Question No. 47 answered with Question No. 14.

Identity Fraud.

48. **Mr. Cuffe** asked the Minister for Social and Family Affairs the steps which have been taken to establish a multi-agency taskforce to deal with identity fraud in view of increased levels of bogus personal public service numbers to claim welfare benefits or bypass the work permit system. [4680/06]

Minister for Social and Family Affairs (Mr. Brennan): Since my Department assumed direct responsibility for the allocation of PPS numbers in 2000, we put in place and have continuously improved operational structures and processes. Allocation of the PPS number as an identity reference number is dependent on the production of sufficient evidence to establish the uniqueness and integrity of the identity. Procedures at registration and supporting structures have concentrated on supporting the detection of false evi-

dence and bogus identities. The Department is aware of the concerns about identity fraud and the need for a robust control system to address these concerns but is not aware of high levels of fraud involving bogus PPS numbers.

Identity fraud is an issue which has the potential to affect a wide range of public sector agencies. My Department recognises that an efficient and effective response to the issue requires a multi-agency approach. To this end, staff in my Department are in constant contact with the appropriate external agencies, including Revenue, the Garda national immigration bureau, GNIB, and, as required, with authorities in other countries. Formal co-operation procedures are in place with the GNIB and relevant information is shared in accordance with legislative provisions. A member of my staff is on secondment to the GNIB to further enhance the co-operation between the two bodies. In addition, staff from my Department participate in a working group, set up within the Revenue Commissioners, tasked with reporting on the issue of identity fraud and the misuse of PPS numbers.

My Department has a dedicated section dealing with identity fraud in relation to PPS number allocations. Staff in this section have received training in the area of document fraud from a number of sources, including the relevant issuing authorities, via their embassies, and from the GNIB. This allows the section to operate a full-time help desk facility for front line staff and to provide training and support to them.

Equipment has been installed in each of my Department's local and branch offices to assist in the identification of forged or altered documentation. In addition, plans are advanced to consolidate the number of offices allocating PPS numbers to one per county and this will allow for increased co-ordination and will facilitate enhanced control measures. My Department also plans to expand the role of the inspectorate in this work, in order to increase its focus on the issue of hijacked and bogus identities, as well as improving the support to local offices at registration.

Question No. 49 answered with Question No. 6.

Social Welfare Agency.

50. **Ms McManus** asked the Minister for Social and Family Affairs his plans, announced in an interview with a paper (details supplied) of 2 August 2005, for the establishment of a new agency to take over responsibility for the administration and payment of welfare benefits; when the agency will be established; if same will require legislation; and if he will make a statement on the matter. [4714/06]

Minister for Social and Family Affairs (Mr. Brennan): As I stated on 27 October 2005 in my

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reply to questions reference Nos. 30955/05 and 30980/05, my Department is pursuing a modernisation programme which aims to build on the quality service it provides at present and to ensure an excellent service is maintained into the future. The establishment of a separate agency to administer and deliver social welfare payments is one of a number of options that are under consideration as part of a welfare service modernisation programme.

The proposal for a separate social welfare agency has to be examined in detail before full consideration can be given to its feasibility. It is necessary to determine the best approach to undertaking such an exercise having regard to the range of issues involved as well as the potential scope of its impact. Legal, operational, personnel and industrial relations matters will have to be addressed. Assessments must be made regarding potential improvements in services and the economies or efficiencies that might accrue from a changed structure. My Department will be examining the experiences of countries which have already pursued this approach and taking on board the lessons from those countries so as to avoid any difficulties which could arise.

The concept of a separate agency for the delivery of social welfare services is not new. A number of countries such as New Zealand and Australia have followed the route of setting up separate executive agencies to deliver some of their services. Most Deputies will be aware of the Benefits Agency which was set up in the UK as an executive agency within the Department of Social Security. The Benefits Agency was replaced by Jobcentre Plus in April 2002 and it currently operates under the aegis of the Department for Work and Pensions. The administration of state pensions in the UK is the responsibility of The Pension Service, which is also an executive agency of the Department for Work and Pensions.

My Department has been structured on Aireacht-Executive lines since the mid-1980s. The Aireacht is responsible for researching and formulating social welfare policy. It also provides a range of corporate services including personnel and finance. Social welfare services is the executive arm of the Department and is responsible for the administration and management of social welfare schemes and services through a network of local, regional and decentralised offices.

The setting up an executive agency to deliver social welfare services would be a major change in the operations of my Department. I am also conscious that my Department is currently embarking on a significant programme of change under the Government's decentralisation initiative. At all times my Department's priority is to provide a comprehensive and caring service to its customers and any proposals for changes in the

delivery of social welfare services will be considered in this context.

Pension Provisions.

51. **Ms Burton** asked the Minister for Social and Family Affairs the action he intends to take arising from the recent report from the European Commission which claimed that the Government was not doing enough to deal with the imbalance in pension coverage here; and if he will make a statement on the matter. [4702/06]

54. **Mr. Broughan** asked the Minister for Social and Family Affairs his views on the recent publication of the national pensions review; if it is intended to implement the recommendations contained in the report; and if he will make a statement on the matter. [4701/06]

63. **Mr. Deenihan** asked the Minister for Social and Family Affairs further to the current review of the pension system here, if his Department has come to any decisions; if not, when he expects decisions to be made; the incentives or measures which will be put in place to encourage people to take up pensions; and if he will make a statement on the matter. [4655/06]

69. **Ms Burton** asked the Minister for Social and Family Affairs the total number of persons who have taken out PRSAs at the latest date for which figures are available; the overall proportion of the eligible workforce this represents; his plans to review the scheme in view of the low take up rate to date in 2006; and if he will make a statement on the matter. [4703/06]

132. **Mr. Durkan** asked the Minister for Social and Family Affairs his plans for State or social welfare pensions in the future; and if he will make a statement on the matter. [4900/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 51, 54, 63, 69 and 132 together.

The latest results from the CSO quarterly national household survey, QNHS, show a 0.9% decline in supplementary pensions coverage from 52.4% of the working population aged 20-69 in quarter one of 2004 to 51.5% in the same quarter of 2005. The decline is within the margin of error for the survey so the position appears to be that there has been little change in the rate of supplementary pensions coverage over the last year. The most recent figures from the Pensions Board show that up to the end of December 2005 68,257 PRSAs have now been taken out with a total asset value of €451 million.

As the House will be aware, in early 2005 I asked the Pensions Board to bring forward by one year a review of our overall pensions strategy because I considered that on the basis of the progress being made there was little prospect of

reaching our targets for pensions coverage in any kind of reasonable timescale. The Pensions Board completed its work in November 2005 and I published the report on 17 January. The board has reaffirmed the various targets recommended in the original national pensions policy initiative which included a retirement income, from all sources, of 50% of pre-retirement income, a social welfare pension equating to 34% of average industrial earnings and a supplementary pensions coverage rate of 70% for those aged over 30 years. The Government is already committed to achieving a social welfare pension of €200 per week by 2007.

The Pensions Board has recommended enhancements to the current voluntary system of supplementary pensions as it considers that the voluntary system has the potential to deliver significant improvements in coverage. Essentially these suggestions involve using the successful elements of the SSIA system in a pensions context by converting the tax relief provided for personal pensions to a matching contribution. I have already had discussions with the Minister for Finance on the possibility of implementing the suggestions of the Pensions Board and officials will examine these in more detail to determine the practicalities and costs of such a system.

There is no doubt that, with the right incentives, the voluntary system can deliver improved pensions coverage. In this regard, I welcome the proposals brought forward by the Minister for Finance in the recent Finance Bill providing incentives for SSIA savers on lower incomes to invest in pensions. However, as I have said on many occasions, we may have to consider a more radical approach and, in this regard, I am asking the Pensions Board to explore in more practical detail the ideas for a mandatory or quasi-mandatory system it put forward in its review.

The issue of pensions has achieved a very high profile over the last year or so but I think we have yet to have an engaging debate on exactly how we will tackle the difficult questions we face in the years ahead. The Pension Board report challenges us to have that debate and to decide finally the type of retirement we want for our older people and the contribution we will make during our working lives to that future. As Deputies will be aware, I am convening a national pensions forum, hopefully in March, and I hope that will generate robust debate at national level.

Question No. 52 answered with Question No. 24.

Question No. 53 answered with Question No. 37.

Question No. 54 answered with Question No. 51.

Question No. 55 answered with Question No. 42.

Social Welfare Fraud.

56. **Mr. Gilmore** asked the Minister for Social and Family Affairs his views on reports that his Department has discovered a significant level of fraud involving the use of bogus PPS numbers; if his Department has any estimate of the number of bogus PPS numbers issued; the steps being taken to address this problem; and if he will make a statement on the matter. [4706/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department has responsibility for the management and administration of the PPS numbers. Since taking over this role from Revenue, we have monitored the use of numbers and enhanced our controls to minimise fraudulent use of them. In recent years, the changing nature of the labour force, in particular the growth in workers from abroad, has raised the need for different and enhanced controls over issuing and use of PPS numbers. My Department has introduced significantly enhanced procedures and controls in response to these changes. Recent media reports of significant levels of identity fraud are based on studies carried out before these changes were put in place.

Identity fraud is by its nature difficult to quantify and My Department does not have definite figures on the number of bogus PPS numbers. However, it is planned to carry out a fraud and error survey in the next number of months in order to create a baseline measure of the extent of fraud and error in relation to PPS numbers.

When applying for a PPS number, applicants are asked to complete an application form and supply documentation to establish their identity. Whenever doubts arise as to the authenticity of documentation presented by an applicant, staff contact a central help desk and can, if necessary, refer the identity documents for further examination. In 2005, my Department issued in excess of 270,000 PPS numbers. Of this total, just over 178,000 were allocated following an interview at one of my Department's local or branch offices. A total of 1,393 documents were referred to the central help desk for checking in 2005. Of these, 377 were found to have been forged or altered. The equivalent figure for 2004 is 324. In any case where documentation presented is found to have been compromised, no PPS number is allocated.

My Department set down certain procedures and controls to be followed by officers when dealing with PPS number applications. These procedures and controls are under constant review in line with my Department's operational strategy. Currently applications for PPS numbers can be made at any local office. Plans are being put in place to consolidate the number of centres dealing with applications for PPS numbers and it is intended, in the most cases, to have one office per county issuing numbers. It is also planned to give my Department's inspectors an expanded role in the monitoring of the use of PPS numbers. There

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are also plans to modernise the technical and communication structures supporting the process. These enhancements, taken together, will lead to improved expertise at local level and to more effective controls overall.

My Department is aware of its responsibility for the PPS number registration process, the overall value of the possession of the PPS number and the need for a robust control system to address concerns about identity fraud. Considerable progress has been made since the introduction of the PPS number and my Department will continue to develop and improve its processes and data in this regard.

Question No. 57 answered with Question No. 14.

Social Welfare Benefits.

58. **Mr. Kenny** asked the Minister for Social and Family Affairs if he has considered or will consider the extension of the fuel allowance scheme to all older people who are in receipt of the old age contributory and non-contributory pensions; the estimated cost of same; and if he will make a statement on the matter. [4667/06]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating. Budget 2006 provided for an increase in the rate of fuel allowance of €5.00 from €9.00 to €14.00 or €17.90 in designated smokeless areas. Some 274,000 customers — 151,000 with basic fuel allowance and 123,000 with smokeless supplement — will benefit in 2006 at an estimated cost of €125.1 million.

Eligibility is subject to means. The main conditions that apply to the scheme are that a person must be in receipt of a qualifying payment, satisfy a means test and must either be living alone or only with a qualifying dependant. The household composition and means test rules for fuel allowance scheme qualifying purposes is to ascertain the ability of applicant households to meet their normal heating requirements out of their own resources and to ensure the maximum amount of support is targeted at those most in need of the fuel allowance support.

People who already qualify for means-tested pensions or allowances such as old age non-contributory pension, long-term unemployment assistance or one-parent family payment do not have to undergo a further means test to qualify for fuel allowance. The majority of people who receive fuel allowances qualify because they satisfy the relevant means test for their primary

weekly payment. In the case of contributory pensions such as old age contributory, retirement and invalidity pensions, which are not means tested, a person may have a combined household income of up to €51 per week, or savings or investments of up to €46,000, over and above the maximum contributory pension rate used for reference purposes, and still qualify for fuel allowance. The fuel allowance income limits increase each season in line with the increases in this reference pension rate.

Based on the current rates of payment for fuel allowance, it is estimated that the extension of the allowance to people who are in receipt of old age contributory and non-contributory pensions but not in receipt of a fuel allowance would cost over €70 million annually.

In addition to the fuel allowance, over 320,000 pensioner and other households qualify for electricity or gas allowances through the household benefits package, payable towards their heating, light and cooking costs throughout the year, at an overall cost of €109 million in 2005. As currently structured, these allowances are linked to unit energy consumption, so that these people are protected against unit price increases in electricity or gas.

Fuel allowances are incorporated in the recipient's weekly social welfare payment and are not intended to meet heating costs in full. The Government's objective is to ensure that the recipient's total weekly income, including the fuel allowance, is sufficient to meet all of their income needs, including heating costs. Budget resources have been concentrated on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and assistance rates. This is a more costly approach than increasing fuel allowances because the increase is paid for the full year and not just for the 29 weeks of the winter heating season. This approach delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year, to better assist them in meeting their normal basic living costs, including heating. Payment rates have increased by between 47% and 57% over the last four years, while inflation has been less than 13% in total over that period.

There is also a facility available through the supplementary welfare allowance scheme to assist people in certain circumstances who have special heating needs. If a person has an exceptional heating cost by virtue of a particular infirmity or medical condition which he or she is unable to meet out of household income, it is open to him or her to apply to the local community welfare officer for a special heating supplement under the supplementary welfare allowance scheme. Any changes in the means rules or other conditions of the scheme would have significant cost implications and would have to be considered in the context of the budget and in the light of the

resources available to me for improvements in social welfare generally.

Employment Policy.

59. **Mr. M. Higgins** asked the Minister for Social and Family Affairs his views of the recent report from the OECD that suggests that the current statutory retirement age should be scraped and that people, in certain circumstances, should be permitted to work until 85; and if he will make a statement on the matter. [4708/06]

Minister for Social and Family Affairs (Mr. Brennan): In the face of rapid population ageing, the OECD considers that there is a need to promote better employment opportunities for older people. Much of the focus in this area revolves around the reform of social welfare pensions systems and early retirement schemes but the OECD points to the need for a broader reform agenda which includes welfare systems, employment and dismissal procedures in firms, employment services for older jobseekers, working conditions and wage and training practices.

In 2001, the OECD Employment, Labour and Social Affairs Committee decided, as a contribution to driving this agenda, to carry out a thematic review of policies to improve labour market prospects for older workers. Separate country reports have been prepared for each of the 21 countries that have participated in this review. Each country report analyses the main existing barriers to the employment of older people, assesses the coherence and effectiveness of policies in removing these barriers and presents a set of recommendations on measures that Government should implement.

The OECD report on Ireland was launched on 5 December 2005 as part of the fourth FÁS Annual Labour Market Conference. In addition there was some publicity in relation to the conclusions of the report in connection with a High-Level Policy Forum on Ageing and Employment Policies run by the OECD in Brussels on 17 and 18 October 2005.

The report is wide-ranging and focuses on improving employment prospects for older people aged 50 to 64 and prolonging working lives past normal retirement age. In this regard, as I have said before, we should do everything possible to facilitate people who wish to continue working after normal retirement age. In relation to the social welfare system, the Government is committed to removing, as resources permit, the requirement for a person to retire before they can receive the retirement pension.

As I have publicly stated on a number of occasions, I firmly believe that everyone in this country should be entitled to a decent pension in retirement and it is that belief that has guided my decision to accelerate ways to tackle the pensions problem. As the situation now stands, out of a current workforce of 2 million people, in the

region of 900,000 do not have a private or occupation pension. Unless this trend is aggressively addressed and reversed, hundreds of thousands of people face into a retirement on the basic social welfare pension. That is why I brought forward the statutory national review by the Pensions Board by more than a year. The report of the Pensions Board on the National Pensions Review was published last month and among its suggestions and recommendations are ideas on allowing people to defer claiming the State pension and in return to receive a higher pension when they decide to claim.

However, incentives in the social welfare system to prolong working lives are only part of the equation — essentially, there is a need for fundamental change in the attitudes of both employers and older workers themselves to working longer.

Question No. 60 answered with Question No. 14.

Child Care Services.

61. **Mr. Boyle** asked the Minister for Social and Family Affairs if his Department has statistics on the level of child care entitlements similar to the new child care supplement for under sixes being claimed by Irish nationals in other EU member states. [4678/06]

Minister for Social and Family Affairs (Mr. Brennan): EU Regulations 1408/71 and 574/72 set out a number of rules to determine which country pays family benefits. The rules provide that the amount of family benefits in the state where a person works has priority over the amount of payment in the state where a person lives. If the amount of family benefits in the state in which a person lives is higher than that in the state in which she or he works, the state where the person lives provides a “top-up” equal to the difference between the two amounts. If the parents work in two different states, the state where the children live will pay family benefits and the other state will pay a top-up if their benefits are higher.

My Department does not have any information on the number of Irish nationals residing in other member states with their families who claim family benefits or child care entitlements from those countries. In such cases family benefits are provided under the national legislation of the member state concerned and are not affected by the EU rules. There are currently some 125 people receiving a supplement from my Department in accordance with EU rules on top of family benefits received from another member state in respect of their children resident in Ireland. This arises where Irish family benefits are higher than the corresponding benefits in the other member state. However, figures are not available where the amount of Irish family benefits is lower than that paid by another

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member state in respect of Irish resident children and, as a consequence, no supplement is payable.

From the information available, I understand that a number of EU member states incorporate a child care supplement within the structure of their family benefits systems. These countries include Luxembourg, the Netherlands, Finland and Sweden. Such payments are co-ordinated under the EU regulations.

Question No. 62 answered with Question No. 28.

Question No. 63 answered with Question No. 51.

Social Welfare Benefits.

64. **Mr. Kenny** asked the Minister for Social and Family Affairs the number of new families in receipt of the family income supplement since the increase in the family income supplement income limits in budget 2006; the number of new families who have applied for the payment; and if he will make a statement on the matter. [4668/06]

Minister for Social and Family Affairs (Mr. Brennan): Family income supplement is designed to provide financial support for employees on low earnings with families. This preserves the incentive to remain in employment in circumstances where the employee might otherwise only be marginally better off than if he or she were claiming other social welfare payments.

My Department has received 808 new or first-time applications for family income supplement since the beginning of the year up to 3 February last, compared with 582 new applications for the same period last year. Of these, 569 have been awarded the family income supplement. There are currently 17,382 people in receipt of family income supplement. The number of persons who applied for family income supplement in the year to December 2005 was 22,744.

The total number of new or first-time applications received in 2005 was 7,781 — an increase of 12% on the 2004 figure for new applications. The current level of applications represents a significant increase over previous years. The number of persons in receipt of family income supplement at 31 December 2005 was 17,488, with an average weekly payment of €87.57. The current average weekly payment as a result of the budget 2006 improvements is €109.67

Over the past number of years improvements to the scheme have been made, particularly with regard to the income limits that apply. In this year's budget I provided for further increases in the FIS income limits with effect from January 2006. These increases have again raised the weekly limit, with very substantial improvements for low income families with three or more chil-

dren. A minimum weekly rate of €20 per week applies.

Additionally, my Department undertakes a number of proactive measures to ensure that people are aware of possible entitlement to FIS. These include advice to all persons who are awarded one-parent family payment and back to work allowance recipients. All employers are provided annually with information about the scheme in PRSI mailshots. Information on FIS is contained in all child benefit books and can be accessed on the Department's website. These methods will be supplemented by a specific and targeted information and publicity campaign dedicated to promoting FIS as a key family and employment support for persons on low income.

The increase in the numbers of persons receiving FIS is a positive development, reflecting the success of a range of Government measures which have improved net incomes for the low paid

Social Insurance.

65. **Ms Lynch** asked the Minister for Social and Family Affairs the number of exemptions from payment of social insurance employment contributions, for a period not exceeding 52 weeks, granted in respect of the temporary employment of persons not ordinarily resident here in respect of each of the past five years; the number of such applications granted in respect of a company (details supplied); his plans to review this procedure; and if he will make a statement on the matter. [4713/06]

Minister for Social and Family Affairs (Mr. Brennan): Since 2000, a total of 2,533 PRSI exemption certificates has been granted in respect of the temporary employment of persons not ordinarily resident in this country. Of these, 1,504 certificates were granted to the company in question. An annual breakdown of these certificates is attached.

PRSI exemptions are issued in accordance with Article 97 of SI 312/1996. The legislation provides for an exemption from PRSI contributions for up to 52 weeks to be granted to employees not ordinarily resident in the State but who are temporarily employed here. The purpose of the legislation is to avoid a situation whereby workers, who are sent by their employer to work here for short periods, would be subject to social insurance in two countries at the same time. Similar arrangements apply under EU Regulation 1408/71 to workers moving within the EU/EEA and to workers covered by bilateral social security agreements with this country.

When a request for an exemption certificate is being processed, a signed declaration is obtained from each employer confirming that the person for whom the exemption certificate is being sought continues to be covered by the social

insurance regime of his or her home country while working in Ireland.

My Department seeks independent confirmation in respect of a random number of selected cases from the authorities in the employee's home country that social insurance payments have actually been made during the period covered by the exemption certificate. This control complements the employer's declaration regarding the employee's insurance status.

In the case of the company in question, a random sample of exempted cases has been referred to the relevant overseas authorities via the Department of Foreign Affairs. Confirmation has been received that the employees involved remained attached to their home country's social security regime during the period of the exemption.

Before granting an exemption certificate, my Department ensures that the employee holds a valid work permit which entitles them to work here.

The needs of the Irish economy have changed significantly since the PRSI exemption legislation was introduced in 1961. There have been changes in working patterns and skill levels and the enlargement of the European Union has also affected the labour market. Against this background, and having regard to the circumstances of the case in question, my Department is undertaking a review of the policy, legislative provisions and administrative arrangements for the PRSI exemption scheme. I will consider what changes, if any, need to be made in the light of that report.

Question No. 66 answered with Question No. 28.

Question No. 67 answered with Question No. 42.

Question No. 68 answered with Question No. 6.

Question No. 69 answered with Question No. 51.

Social Welfare Benefits.

70. **Mr. Crawford** asked the Minister for Social and Family Affairs the number of people in active age groups and who are dependent on State income supports that have had their case managed in facilitating their return to work or participation in training or further education in 2002, 2003 and 2004; and if he will make a statement on the matter. [4651/06]

Minister for Social and Family Affairs (Mr. Brennan): A range of supports are provided by my Department's locally based facilitators to persons in active age groups who are dependent on social welfare payments. The primary role of faci-

litators is to assist the long-term unemployed and other long-term welfare dependants back to work, training or further education by providing them on an individual basis with assistance to access the necessary programmes or supports which their circumstances demand. Facilitators have access to some additional services, such as the special projects and family services funds, which provide funding for specialised training and supports for those who are distant from the labour market and who need additional help in preparing them for further training and employment.

One of the supports targeted specifically at the unemployed is the employment action plan, EAP, under which customers, aged 18 to 54 years, who are approaching six months on the live register, are systematically referred to FÁS for guidance, intervention or placement.

Under this process, a total of 108,134 individuals was referred to FÁS for interview during the period 2002 to 2004. Some 70,313 persons were interviewed, of whom 22,540 were placed in jobs-FÁS programmes or other education or training.

In addition to the referral process outlined, a further initiative commenced in May 2003. Under this process, all customers aged between 18 and 55 years who are over six months on the live register and who have not been previously selected for the EAP are being selected for referral to FÁS where they are offered interventions similar to those available under the EAP.

A total of 20,216 persons was referred to FÁS under this process over the period 2002 to 2004. Some 14,164 persons were interviewed, of whom 2,902 were placed in jobs/FÁS programmes or other education or training.

Certain customers referred through the EAP process may face severe employability issues which are not amenable to resolution within the normal range of interventions available. To assist such customers a high supports process was established in 2003 by the Department of Enterprise, Trade and Employment.

As part of this process, local networks of relevant service providers are being established in certain areas in conjunction with FÁS and my Department's facilitators. People identified as suffering severe employability issues are referred to the local networks and appropriate avenues identified to enhance employability. A special fund is available to purchase specialist training or interventions that may be required to assist an individual.

My Department, through its employment support and other services, has assisted many people away from the cycle of long-term unemployment and back into the workforce. The services provided, particularly their continued relevance and flexibility, are under constant review. I am particularly interested in advancing measures that blend activation with supports and that make the

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transition from welfare to work as seamless as possible.

Social Welfare Benefits.

71. **Mr. Crowe** asked the Minister for Social and Family Affairs if his attention has been drawn to the difficulties regarding the delay in the processing of back to education grants, particularly regarding persons receiving the lone-parent's allowance; and the reason for same. [4550/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department administers a range of back to education programmes, as part of its overall employment support services, to encourage and facilitate people on certain social welfare schemes to return to work. Programmes range from basic literacy courses through to certain postgraduate university courses, and include the back to education allowance scheme, which covers full-time second and third level courses.

A back to education allowance is paid to qualified participants at a standard weekly rate equivalent to the maximum rate of the relevant social welfare scheme. The allowance is payable for the duration of the course of study which, in the case of lone parents, includes all holiday periods. The scheme itself is not means tested and consequently lone parents may take up part-time employment during the academic year and full-time employment during the summer period without affecting their payment.

In addition, participants receive a cost of education allowance of €400, which is payable at the beginning of each academic year. Participants also retain entitlement to any secondary benefits they had while on the relevant qualifying social welfare scheme.

Applications for back to education allowance from people in receipt of one-parent family payment are processed in the pension services office in Sligo. The time taken to process individual new claims varies significantly having regard to the difficulty or otherwise in establishing the circumstances in each case. In addition to the administrative work necessary in respect of each one-parent family claim, there is an onus on claimants to make a claim in the prescribed manner, to furnish all necessary documentation and to cooperate with deciding officers during the processing of the claim. However, every effort is made to process applications as quickly as possible. The length of time needed to decide on entitlement does not result in any loss of payment to the people concerned as entitlements are back-dated to the date of entitlement.

My Department is currently reviewing the procedures involved in processing the back to education allowances to establish how best the process might be streamlined, and I expect

improvements in processing times for the 2006-07 academic year.

Question No. 72 answered with Question No. 6.

Question No. 73 answered with Question No. 30.

Question No. 74 answered with Question No. 24.

Pension Provisions.

75. **Mr. Naughten** asked the Minister for Social and Family Affairs his plans to review the means test for farmers applying for the old age non-contributory pension; and if he will make a statement on the matter. [4506/06]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy is concerned in particular about the current arrangements applying in the case of old age pension where a landholder leases land or is otherwise in possession of land which is fallow or idle.

While there were no specific measures regarding the leasing of land in the recent budget, it contained a number of important measures which are designed to target resources at particular groups of older people, including the farmers in question. In considering these measures I was anxious to target resources at those who are at the greatest risk of poverty; to encourage saving, and to simplify the system of income support for older people who do not receive contributory pensions.

Budget 2006 provides for an increase of €16 per week — 9.6% — for all non-contributory pensioners, bringing the weekly rate of pension to €182 per week with effect from January. This means that significant progress has been made towards the achievement of the Government's commitment to bring the basic state pension to over €200 per week by 2007. In addition, I increased the fuel allowance by €5 per week, from €9 to €14, and the over-80s allowance by €3.60 to €10. These measures will be of considerable benefit to many thousands of non-contributory pensioners.

On budget day, I was also pleased to announce that I proposed to establish, in September 2006, a standardised State — non-contributory — pension, replacing the old age pension and, for recipients aged 66 and over, blind pension, widow's or widower's pension, one-parent family payment, deserted wife's allowance and prisoner's wife's allowance.

All the schemes in question feature a common means disregard of €7.60 per week, which has not increased since the 1970s. The means disregard for the new non-contributory pension will be €20 per week, an increase of €12.40 per week. Over 30,000 pensioners who are currently in receipt of a reduced rate of payment will gain from this

change. The increase in the personal rate of payment will be up to €12.50 per week while the qualified adult rate, where applicable, will increase by up to €8.30 per week. This measure, in particular, will benefit all those farmers who are in receipt of an old age — non-contributory — pension at present.

Furthermore, consequent on the increase in the means disregard to €20 per week, a single person, with no other means, will be able to have up to €35,000 in capital and still qualify for a pension at the maximum rate. This figure is doubled in the case of a pensioner couple.

By any standards, the levels of increases and revised means-test arrangements announced in the budget are exceptional. The proposed modernisation of the current arrangements is also a further demonstration of our commitment to all those who are elderly, including those who continue to farm or lease land.

Social Welfare Benefits.

76. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs further to Questions Nos. 403 and 404 of 22 November 2005, the steps a one-parent family payment claimant must take to satisfy the maintenance recovery unit that they have made reasonable attempts to obtain such maintenance; the number of one-parent family payment claimants; the number of one-parent family payment claimants who are not currently in receipt of maintenance; and if he will make a statement on the matter. [4675/06]

Minister for Social and Family Affairs (Mr. Brennan): The one-parent family payment, OPFP, acts as a safety net for people where there is inadequate maintenance, where maintenance payments are irregular, or where efforts to secure maintenance in the first place fail. Applicants for OPFP are required to make ongoing efforts to look for adequate maintenance from their former spouses, or, in the case of unmarried applicants, the other parent of their child. They must satisfy my Department that they have made reasonable attempts to obtain such maintenance.

Separated OPFP claimants must demonstrate that they have made reasonable efforts to obtain support before their lone-parent payment is awarded. Unmarried claimants must demonstrate similar efforts after their claim is awarded. Guidelines as to the steps to be taken in making reasonable efforts to obtain maintenance are published on my Department's website.

The issue of maintenance payments is first and foremost a private matter for the persons concerned, and if they cannot resolve the problem, for the courts through family law provisions.

The purpose of the maintenance recovery operation of the Department of Social and Family Affairs is to recover some or all of the moneys being expended on social welfare payments for lone parents. In every case where a

one-parent family payment is awarded, the maintenance recovery unit of my Department seeks to trace the other parent, referred to as the liable relative, in order to ascertain whether he or she is in a financial position to contribute towards the cost of OPFP. The follow-up activity takes place within two to three weeks of the award of payment.

All liable relatives assessed with maintenance liability are notified by my Department and they are issued with a determination order setting out the amount of contribution assessed. The amount assessed can be reviewed where new information comes to light about the financial or household circumstances of the liable relative. Decisions on the amounts assessed can be appealed by liable relatives to the Social Welfare Appeals Office.

The number of OPFP recipients being paid by my Department at the end of December 2005 was 83,066. Included in this figure are 906 payments to widowed persons where maintenance is not an issue. In the period January 2003 to December 2005, the maintenance recovery unit has examined 56,032 cases and issued determination orders to 8,017 liable relatives. As at the end of January 2006 — the latest date for which figures are available — 2,193 liable relatives are contributing directly to my Department.

My Department's records indicate that approximately 9,600 one-parent family payment recipients are in receipt of maintenance from their spouse or other parent of their child or children and as a result receive a reduced rate OPFP. Figures are not available for one-parent family payment recipients who receive maintenance payments and still qualify for the maximum rate of payment.

Emigrant Support Services.

77. **Mr. Quinn** asked the Minister for Social and Family Affairs the services his Department offers to support Irish emigrant groups abroad; and if he will make a statement on the matter. [4718/06]

Minister for Social and Family Affairs (Mr. Brennan): The role of my Department in supporting Irish emigrant groups abroad has centred on providing good quality, clear and comprehensive information for Irish people who wish to return to live in Ireland. My Department ensures that such information for our emigrants abroad is available by funding and supporting the various voluntary agencies involved in this work.

In carrying out these functions my Department works closely with the Irish abroad unit of the Department of Foreign Affairs, which has primary responsibility for policy relating to emigrants and their support while abroad.

Emigrant Advice is the main voluntary organisation in Ireland involved in providing information for people intending to go abroad to work and for those emigrants abroad who are considering coming home. In 2005 my Department provided

[Mr. Brennan.]

some €150,000 to assist the organisation with its work, including the updating of the highly successful *Returning to Ireland Guide*, and the maintenance of the website *www.emigrantadvice.ie*.

Other voluntary organisations involved in the provision of information for Irish people abroad, which have received funding from my Department since 2005 include the Coalition of Irish Immigrant Centres USA, the Aisling Irish Centre, New York, and the Irish Immigration and Pastoral Centre in Philadelphia. The safe home programme run by the Mayo-based organisation dedicated to helping elderly Irish emigrants wishing to return to Ireland to live but lacking the means to do so received €80,000 in 2005 to assist with information provision activities. The Irish Commission for Prisoners Overseas also received a grant towards the provision of an information service for Irish prisoners overseas and their families.

An amount of €427,000 has been allocated in 2006 by my Department for voluntary organisations providing information and advice to emigrants. Support for the provision of information for Irish people abroad who are contemplating returning to live in Ireland will continue to be a priority for my Department in the disbursement of this funding.

The funding provided by my Department to voluntary organisations involved in the provision of information for emigrants is in line with the main recommendations of the report of the task force on policy regarding emigrants which was published in August 2000. The task force recommended that there should be close co-operation between the various Departments and voluntary agencies at home and abroad regarding the provision of information to our emigrants.

Social Welfare Code.

78. **Mr. Broughan** asked the Minister for Social and Family Affairs if his attention has been drawn to concerns expressed by organisations offering support for lone parents regarding the decision to include training allowance payments in assessment for rent supplements; if, in view of the importance of facilitating lone parents who wish to avail of training opportunities, he will reconsider the decision; and if he will make a statement on the matter. [4700/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive. The purpose of the scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Neither I nor my

Department has any function regarding decisions on individual claims.

Under the rules of the scheme, rent supplements are calculated to ensure that an eligible person after the payment of rent has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13 which each recipient is required to pay from his or her own resources.

The regulations governing rent supplement stipulate that, in addition to the minimum contribution, recipients are also required to contribute towards their rent any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate. The assessment of additional income of participants on a training course has always been a feature of the SWA scheme. However, the fact that income is assessed does not mean that the amount of rent supplement is reduced because significant income disregards are applied.

The Department is very conscious of the need to facilitate persons in receipt of social welfare payments to take up employment and training opportunities and to ensure that the social welfare supports are structured to support this objective. A number of measures have been introduced in recent years to remove disincentives to taking up employment and training opportunities and to assist in the transition from welfare to work. These measures include easing of means tests through income disregards and the tapered withdrawal of benefits as earnings increase.

Where a person has an additional income as a result of participation on a training course, the means test now provides for a weekly disregard of up to €60 per week with half of any additional income between €60 and €90 also disregarded for means assessment purposes. For those participating in approved training courses, any lunch or travel allowances that are paid may also be disregarded. In addition certain training courses now provide a child care allowance to participants on certain courses. Budget 2006 provided that these child care allowances are to be treated in the same manner as a lunch or travel allowance and disregarded.

I consider that the current rent supplement additional income disregards ensure that people have a financial incentive to take up training opportunities, but I will continue to keep the issue under review.

Health Services.

79. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children if she will accede to the request of a person (details supplied) in Dublin 6W regarding respite resources. [4775/06]

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.

Ambulance Service.

80. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the provision which exists in the Health Service Executive national service plan 2006 for funding for the development of the three ambulance bases at Tuam, Achill-Mulranny and west Roscommon which have had approval from the former Western Health Board as board policy since 2001; and if she will make a statement on the matter. [4779/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

81. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children if lands, under the management of the mental health services, if sold would be ring-fenced for mental health service development within that service area. [4785/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The report of the expert group on mental health policy, *A Vision for Change* was launched on 24 January. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. It will require substantial funding, but there is considerable equity in buildings and lands within the current mental health system, which could be realised to fund this plan. Therefore, this report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to re-invest the resources released by these closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of *Planning for the Future* in 1984.

The Health Service Executive has primary responsibility for implementing the recommendations of the expert report and all services will be examined in this context. The Health

Service Executive has stated that the national mental health directorate within the HSE will immediately establish an implementation group to ensure that the recommendations are realised in a timely and coordinated manner.

Services for People with Disabilities.

82. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if funding will be provided for the Mayo centre for independent living in order that people can live independently; and if the maximum support and funding will be given for these disabled people in line with new disability legislation. [4788/06]

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.

Rape Crisis Network.

83. **Ms McManus** asked the Tánaiste and Minister for Health and Children the Rape Crisis Network Ireland position with regard to receiving money in view of the fact that having met with her and the Minister for Finance, the representatives of the Rape Crisis Network Ireland were given to understand that they were to be allocated €7 million funding as the Minister for Finance indicated the money was there and she was supportive but when application was made, the Health Service Executive replied saying it has no money; and if she will make a statement on the matter. [4799/06]

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.

As the Deputy may be aware two weeks ago the Tánaiste and Minister for Health and Children met with representatives of three organisations in the violence against women sector. Following that meeting the Tánaiste asked the HSE to review the issues raised by the organisations. The HSE is considering this request.

Services for People with Disabilities.

84. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children if funding will be provided to a centre (details supplied) in County Mayo in order that people can live independently; and if she will make a statement on the matter. [4800/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

85. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in Dublin 5 is registered with a group; the back-up services which are provided to this person; and if the family will receive assistance on employment and care plans. [4802/06]

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.

86. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the long-term care plan for a person (details supplied) in Dublin 5; and if she will work closely with the family on this matter. [4803/06]

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.

Ambulance Service.

87. **Mr. Wall** asked the Tánaiste and Minister for Health and Children, further to Question No. 212 of 1 February 2006, if funding will be made available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4815/06]

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

further investigated and to have a reply issued directly to the Deputy.

Health Services.

88. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if arrangements will be made with the Health Service Executive for the child of a person (details supplied) in Dublin 12 to be assessed by an orthodontist; if a programme will be set up for remedial measures to be implemented; and if she will make a statement on the matter. [4826/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Schemes.

89. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the position in relation to an application under the national repayment scheme by persons (details supplied) in County Kildare; and if she will make a statement on the matter. [4842/06]

Tánaiste and Minister for Health and Children (Ms Harney): The general rules and policy relating to the national repayment scheme have been set out in previous parliamentary questions. These can be made available to the Deputy should he require them.

As the Health Service Executive has responsibility for administering the scheme, inquiries relating to individual cases are referred to the parliamentary affairs division of the executive. My Department has asked the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

90. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if she will establish with the Health Service Executive when a suitable residential place will be made available for a person (details supplied) in Dublin 11; and if she will make a statement on the matter. [4843/06]

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.

91. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if she will establish with the Health Service Executive if extensive reconstruction surgery will be carried out on a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [4844/06]

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.

Medical Cards.

92. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that some chiropodists are charging medical card holders for chiropody services; if medical card holders are entitled to free chiropody services; and if she will make a statement on the matter. [4845/06]

Tánaiste and Minister for Health and Children (Ms Harney): There is no statutory obligation on the Health Service Executive, HSE, to provide chiropody services to GMS patients; however in practice arrangements are made to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

I consider that it is inappropriate for private chiropodists who are providing services on behalf of the HSE to charge patients a top-up fee, and I have conveyed this view formally to the HSE. My Department requested the HSE to initiate a review of the fee arrangements in place for the provision of chiropody services, with a view to ensuring that such additional fees will no longer be levied on persons in receipt of this service. The HSE has recently advised me that it has initiated a review of chiropody services.

Ambulance Service.

93. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action the Health Service Executive is taking to establish community based emergency medical response

teams to bring early medical intervention to areas in west Roscommon which are furthest from ambulance stations; and if she will make a statement on the matter. [4846/06]

94. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the figures for ambulance response times for west Roscommon in each of the years 2005, 2004 and 2003; and if she will make a statement on the matter. [4847/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 93 and 94 together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Medical Aids and Appliances.

95. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the number of patients in need of ileostomy equipment; her views on whether this equipment should be free the same as diabetic medication and equipment; her further views on whether colitis patients are affected by undue pressure and should be helped in every way; and if she will make a statement on the matter. [4848/06]

Tánaiste and Minister for Health and Children (Ms Harney): Statistics about non-notifiable illnesses are not routinely collected by my Department.

Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the long-term illness scheme, LTI. The LTI does not cover GP fees or hospital co-payments. The conditions covered include: mental handicap, mental illness, for people under 16 only, phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to extend the list of eligible conditions.

I presume the Deputy is referring to undue financial pressure. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process the Health Service Executive can take into account medical costs incurred by an individual or a family.

[Ms Harney.]

In November 2004, I introduced a new graduated benefit — the GP visit card to extend free GP care and treatment to individuals and families on low incomes. In June last year, I simplified the means test for both medical and GP visit cards. It is now based on an applicant's and spouse's income after income tax and PRSI, and takes account of reasonable expenses incurred in respect of rent or mortgage payments, child care and travel to work. In October, I announced that the income guidelines for both medical and GP visit cards would be increased by an additional 20%. This means the income guidelines are now 29% higher than this time last year. These improvements have also made the assessment process much fairer and ensure that those on low to moderate incomes can qualify for free GP care.

Non-medical card holders can use the drug payment scheme, which protects against excessive medicines costs. Under this scheme, no individual or family unit pays more than €85 per calendar month, or approximately €20 per week, towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines for the treatment of illnesses such as colitis. In addition, the Deputy will be aware that non-reimbursed medical expenses above a set threshold may be offset against tax.

Products which are necessary for the management of the specified illness are available to LTI patients. Other products are available according to the patient's eligibility. There are a variety of ileostomy bags included on the list of reimbursable non-drug items for the community drugs schemes.

Hospital Services.

96. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if, in view of the recent report on the organisation of tertiary paediatric services and the ongoing concern of parents and professionals regarding the possible loss of Temple Street Hospital to Dublin's northside, the action she intends to take to ensure that Temple Street Hospital is facilitated on the Mater Hospital campus; and if she will make a statement on the matter. [4849/06]

Tánaiste and Minister for Health and Children (Ms Harney): On 3 February, the Health Service Executive published a report on the delivery of tertiary paediatric services in this country. The HSE commissioned the report at my request. The report, which was prepared by McKinsey and Company, recommends that best outcomes for children should be provided by one national tertiary paediatric centre which would also provide all secondary paediatric services for the greater Dublin area.

Arising from the recommendations, a joint HSE-Department of Health and Children task group is being established to progress matters and to advise on the optimal location for the new facility. The task group's conclusions will inform decisions in regard to the Mater-Temple Street project.

Food Safety Standards.

97. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when the Food Safety Authority became aware of the recall of a food product (details supplied); when information was forwarded to it by the UK food standards authority on the product in question; when it received details of the withdrawal of product by the manufacturer; the reason for the delay in withdrawing the product from Irish shelves and issuing information to the public; and if she will make a statement on the matter. [4850/06]

Minister of State at the Department of Health and Children (Mr. S. Power): On Thursday, 2 February last, the Food Standards Agency, FSA, UK notified the European Commission of the withdrawal from sale of a consignment of baby rusks because of non-compliance with EU regulations on the maximum limit for pesticide residues in infant food. The rusks were found to contain low levels of the pesticide, chlorpropham. This message was received by the Food Safety Authority of Ireland, FSAI, on Thursday evening, 2 February, via the European rapid alert system for food and feed, RASFF. As no distribution details were included on the notification, the Commission requested the UK to provide such information.

FSAI officials discussed the matter with the FSA UK incident team on Friday morning, 3 February, and it was noted that: the FSA risk assessment indicated that there was no risk to health; the company was initiating the withdrawal of the products from the market; and some products had been distributed to Ireland, but exact details were not available. Immediately on receipt of this information the FSAI initiated its own risk assessment to determine the health risk associated with the consumption of the product. In addition, the manufacturer was contacted directly, in order to establish what products had been distributed within Ireland and what action was being taken to remove them from sale.

At mid-day Friday 3 February, the manufacturer confirmed that three of the 11 products which had been affected in the UK had been distributed in Ireland and details of their distribution was provided. Details were also provided of the action taken to withdraw the products from the food chain and food stores. I have been informed that this action commenced on Thursday evening.

The FSAI is satisfied, on the basis of the risk assessment, that consuming the product poses no

risk to public health. It also considers that the information provided by the manufacturer and the action taken was appropriate and in these circumstances no further action is deemed necessary at this stage.

I am satisfied that the FSAI acted rapidly and responsibly in the interests of public health and I have been assured that it will continue to keep the matter under close review, in particular to monitor the effectiveness of the withdrawal.

Departmental Schemes.

98. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Question No. 235 of 12 April 2005, the status of the review; when a compensation scheme will be put in place; and if she will make a statement on the matter. [4877/06]

Tánaiste and Minister for Health and Children (Ms Harney): The feasibility of introducing a vaccine damage compensation scheme is still under examination in my Department. This process is at an advanced stage and will be given priority in the Department's 2006 business plan.

Nursing Home Subventions.

99. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if a formal directive has been issued to the Health Service Executive on foot of budget 2006 announcement of changes to be implemented in the nursing home subvention scheme; if not, when she proposes these changes to come into effect; and the reason for the delay in the implementation of these changes. [4889/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The changes that were announced on budget day were incorporated into the Nursing Homes (Subvention) (Amendment) Regulations 2005. These regulations amended the thresholds contained in the 1993 regulations by increasing the value of assets to be disregarded for the purposes of subvention assessment from £6,000, €7,618, to €11,000, increasing the asset threshold above which subvention may be refused from £20,000, €25,394, to €36,000 and increasing the threshold of principal residence value above which subvention may be refused from £75,000, €95,230, to €500,000 or more, where the residence is located in the Dublin area, or €300,000 or more, where the residence is located outside the Dublin area, provided that the applicant's income is greater than €9,000. This was previously £5,000 or €6,349.

These regulations were signed by the Tánaiste on 14 December 2005 and came into law effective from that date. The Deputy may wish to note that the HSE continues to retain the discretion to impute an income of 5% of the estimated market value of the principal residence of an applicant

for subvention, unless the residence is occupied by a spouse or son or daughter aged less than 21 years or in full-time education or in receipt of the disabled person's maintenance allowance, blind person's pension, disability benefit, invalidity pension or old age non-contributory pension, and generally does so unless there are exceptional circumstances. However, the residence value above which it may automatically refuse to pay a subvention has been increased substantially, as outlined, to take account of increased property values.

The Department has discussed the regulations with the HSE, both during their preparation and since their coming into law and it falls to the HSE to implement the regulations to the various HSE regions.

Medical Cards.

100. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when a medical card will issue in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [4890/06]

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.

Services for People with Disabilities.

101. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children if a service plan has been determined for a child (details supplied) in County Kildare; if not, if an assessment for such a plan has been scheduled; and if she will make a statement on the matter. [4917/06]

105. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children the measures which have been taken to determine the support needs of a person (details supplied) in County Kildare both in the short and long term; and if she will make a statement on the matter. [4941/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 101 and 105 together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive

[Mr. T. O'Malley.]

to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Schemes.

102. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if a closing date or dates are operated by her Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if she will make a statement on the matter. [4921/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Civil Service travel pass scheme applies only to annual bus and rail passes issued by Iarnród Éireann, Bus Éireann, Dublin Bus and other approved transport providers, such as Luas. The scheme does not apply to temporary and seasonal workers as the employee must be employed on a permanent or probationary basis at the date of application. An employee under a fixed-term contract is also eligible to apply.

The closing date for Dublin Bus, Iarnród Éireann and Bus Éireann applications is the 18th day of the month prior to the start of travel, for example, an application must be received by 18 January for a ticket that is valid from 1 February. Annual Luas tickets must be ordered by the 8th day of the month prior to the start of travel. Applications for all tickets valid from January to December must be received by mid-November.

Services for People with Disabilities.

103. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children if her Department exchanges information with the Department of Education and Science on the number of children that are either born or later diagnosed with special needs in order that educational services can be planned for in line with demand; and if she will make a statement on the matter. [4939/06]

104. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children if her Department keeps a record of the number of children born with special needs or who are later diagnosed with special needs with a view to ensuring that funding is allocated to the appropriate services in line with demand; and if she will make a statement on the matter. [4940/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 103 and 104 together.

The Department of Health and Children has established two national databases in the area of disability, both of which are managed on behalf of the Department by the Health Research Board. The two databases are the national intel-

lectual disability database, which was established in 1995, and the national physical and sensory disability database which was established in 2002. The national intellectual disability database would also include information on some persons with autism, who would also have an intellectual disability. The databases are intended to provide a comprehensive and accurate information base for decision making in the planning, funding and management of services for people with disabilities. The databases provide data on demographic characteristics, current service provision and future service needs over a five year period. The former health boards were responsible for the collection and validation of information for their regions and this is now the responsibility of the HSE. Responsibility for providing the information to the HSE lies primarily with the service providers, community care personnel and school principals and individuals with disabilities. Registration on the databases is voluntary.

The National Intellectual Disability Database Committee has published seven annual reports to date. The information from the national intellectual disability database is also used to monitor service developments and has been a key factor in securing the significant additional funding which has been invested in these services since 1997.

The National Physical and Sensory Disability Database Committee published a preliminary analysis report for 2004 in December 2004 and a full report for 2004 in December 2005. The Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 place specific requirements on both the HSE and the National Council for Special Education on information on services to be provided under both legislative measures. The overall information requirements are currently being examined in the context of these provisions.

The Department of Health and Children provide information to the Department of Education and Science from the data which is available to it from the databases. The former health boards and now the HSE also exchange information and liaise with that Department and with the National Council for Special Education at an operational level.

Question No. 105 answered with Question No. 101.

Local Authority Funding.

106. **Mr. O'Connor** asked the Minister for Finance his proposals to introduce legislation to prevent local authorities from charging rates to non-profit making charitable organisations; and if he will make a statement on the matter. [4814/06]

Minister for Finance (Mr. Cowen): The application of rates is a matter for each individual local

authority in accordance with the statutory framework. However, the Valuation Act 2001 already contains provisions which, subject to certain conditions, address the issue raised by the Deputy. The relevant provisions may be found at section 16 of Schedule 4 to the Act.

If a charitable organisation, as defined in the Act, occupies any land, building or part of a building and uses such property exclusively for charitable purposes and otherwise than for private profit, then that property is deemed to be non-rateable.

Schools Building Projects.

107. **Mr. Durkan** asked the Minister for Finance the result of the discussions he or the Office of Public Works have had with Kildare County Council or other groups, bodies or agencies regarding the urgent need for the provision of an alternative site at a school (details supplied) in County Kildare; if progress of a positive nature can be reported on the most pressing need to have this school relocated as a matter of urgency with particular reference to the health and safety of pupils, teachers and parents arising from the existing school's location; and if he will make a statement on the matter. [4884/06]

Minister of State at the Department of Finance (Mr. Parlon): Officials from the Office of Public Works met with officials from Kildare County Council on 8 February 2006. A number of site options were reviewed and these will now be progressed. It would be inappropriate to reveal the precise details of the meeting at this point as it would likely prejudice future discussions and possible negotiations.

Tax Code.

108. **Mr. Andrews** asked the Minister for Finance the implications for the Revenue Commissioners of abolishing the two different types of diesel; and his views on whether there should be a rebate system for vouched fuel used for agricultural machinery in view of the extent of the activity in fuel laundering and the damage to the environment from the by-product of this activity. [4771/06]

Minister for Finance (Mr. Cowen): I assume that the question concerns the implications of unifying into one rate of mineral oil tax the present two-tier rate structure for diesel and converting the existing low rate regime into a repayment system. Such a system would not rely on colour or chemical marking of diesel fuel.

Diesel is currently taxed at €368.05 per 1,000 litres in respect of auto use and at a lower rate of €47.36 per 1,000 litres for other use. The low rate diesel is marked with a chemical and dye, which gives it a green colour, and is known as marked gas oil — MGO. While it is used in agricultural

machinery and tractors, it is also widely used for commercial and domestic central heating, for off-road and special purpose vehicles such as dumpers, concrete pumping vehicles, mobile well drilling vehicles, mobile cranes, bulldozers and diggers, for trains, for other industrial and construction machinery such as generators and compressors, and in boats. In 2005 consumption of MGO was approximately 1.6 billion litres.

The present system allows misuse of MGO in vehicles to be detected by means of a visual check of colour and a laboratory check for the chemical marker. There were 173 convictions obtained for marked oil offences in 2005 and fines totalling €175,704 were imposed. A further 1,326 offences were settled on payment of penalties totalling €986,720.

Fuel laundering is a fraudulent activity involving the removal of the chemical marker and dye from the fuel in order to make it difficult to distinguish it from unmarked auto-diesel. However, as the MGO has a higher sulphur content than auto-diesel, it is still possible for Revenue enforcement staff to identify laundered fuel using specialised roadside detection equipment backed up with laboratory chemical analysis. In 2005 a total of 127 detections of laundered oil were made across 12 counties, which included: 21 retail outlets-oil distributors; 71 hauliers; 35 others; five tankers seized; 311,404 litres of laundered oil seized; and €155,328 taken in penalties from Northern Ireland hauliers.

Prosecutions in 2005 for laundered oil included eight filling stations and 25 other cases have been reported for prosecution, including ten hauliers. Six convictions were obtained in 2005 and penalties totalling €5,950 and one custodial sentence, of 18 months suspended for three years, were imposed.

While acknowledging that laundering is an unacceptable fraudulent activity which can cause environmental damage, a single rate repayment-based regime as proposed would only succeed if a reciprocal measure in the UK was in place as most of the laundered oil is produced from UK MGO — red diesel — which is cheaper than our MGO. Even if the UK also made such a change, there are other serious drawbacks involved.

I am informed by the Revenue Commissioners that a repayment system would involve an enormous burden on Revenue resources in the compliance, processing and audit areas in view of the diversity and number of users of MGO. In addition, all users of low rate diesel would suffer the cash flow burden of a requirement to pay the full rate in the first instance and would also have to maintain systems to claim subsequent repayments and to keep records for Revenue audit purposes.

Furthermore, in Revenue's experience repayment regimes are inherently vulnerable to abuse and attract the attention of criminal elements, such as those involved in oil laundering. A

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scheme on the lines suggested would be vulnerable to extensive fraud by opening new possibilities for diversion to high-rate auto use that would be extremely difficult or even impossible to detect and prosecute.

Revenue is taking a vigorous approach to oil laundering transactions and a major national project, which will target mineral oil retail outlets and large-scale users and focus on identifying the supply chain, is being put in place this year.

109. **Mr. O'Shea** asked the Minister for Finance if the payment of a standing charge for refuse service to a local authority qualifies for tax relief; and if he will make a statement on the matter. [4781/06]

Minister for Finance (Mr. Cowen): It is not clear from the Deputy's question whether the standing charge referred to is in respect of commercial or domestic refuse service.

As regards a charge by a local authority for commercial refuse, I am informed by the Revenue Commissioners that such a charge would, if laid out for the purposes of the business, qualify as a business expenses in arriving at taxable business profits.

As regards a charge in respect of domestic refuse service, I am informed by the Revenue Commissioners that tax relief at the lower rate of tax — 20% — is available in respect of service charges paid to a local authority. The local authority services charges to which the relief applies

are domestic water supply, domestic refuse collection and domestic sewage disposal.

The relief for domestic service charges is granted on a previous year basis, for example, services charges paid in 2005 qualify for tax relief in 2006, and the conditions attaching to such relief are that: (a) all service charges imposed by the local authority under either the Local Government (Financial Provisions) (No. 2) Act 1983 or section 65A of the Public Health (Ireland) Act 1878, as amended, on the individual's premises are paid in full and on time; (b) arrears of all service charges from earlier years must be cleared in accordance with the relevant local authority conditions; and (c) the local authority must be advised of the PPS number of the individuals liable for the service charges.

110. **Mr. Naughten** asked the Minister for Finance the maximum value of cash which can be transferred to a favourite niece or nephew which is exempt under inheritance tax; when this level was last increased; the plans he has to increase this threshold; and if he will make a statement on the matter. [4871/06]

Minister for Finance (Mr. Cowen): For the purpose of gift and inheritance tax, the relationship between the person who provided the gift or inheritance, who is the disponer, and the person who received the gift or inheritance, who is the beneficiary, determines the maximum tax-free threshold — known as the group threshold. Three group thresholds exist, which are indexed annually by reference to the consumer price index. The indexed group thresholds for 2004, 2005 and 2006 are set out in the following table.

Group	Relationship to Disponer	Group Threshold		
		2004 (after indexation)	2005 (after indexation)	2006 (after indexation)
		€	€	€
A	Son/Daughter	456,438	466,725	478,155
B	Parent/Brother/Sister/Niece/Nephew/Grandchild	45,644	46,673	47,815
C	Relations other than Group A or B	22,822	23,336	23,908

The current threshold for gifts-inheritances made to a niece or nephew of the disponer is €47,816 and where the value of the gift or inheritance is greater than this, a single low rate of 20% applies to the excess.

Favourite niece-nephew relief is available to certain nephews and nieces who take a gift or an inheritance of a business or farm from the disponer. If the niece-nephew qualifies for the relief, he-she is treated as a child of the disponer for CAT purposes, and instead of a Group B threshold — currently €47,815 — is entitled to a Group A threshold — currently €478,155 — for the business or farm assets only. This means that if a gift or inheritance includes business-farm and non-business/farm assets the Group B threshold

will apply to the non-business-farm assets and the Group A threshold will apply to the business-farm assets.

In order to qualify for the relief, the applicant must be a child of a brother or sister of the disponer — in other words, a nephew-niece in law will not qualify — and he-she must have worked substantially on a full-time basis for the disponer for a minimum of five years ending on the date of the gift or inheritance.

This relief is intended to take account of the close working relationship that exists between certain nieces-nephews and their uncles-aunts. It is not intended to apply generally to all gifts or inheritances taken by nieces-nephews, and applying the relief to all such disposals would run coun-

ter to the Government's policy of broadening the tax base in order to keep direct tax rates low.

Decentralisation Programme.

111. **Mr. Naughten** asked the Minister for Finance when the second phase of decentralisation will be announced; the locations to be included in this phase; and if he will make a statement on the matter. [4912/06]

Minister for Finance (Mr. Cowen): In its report to Government in November 2004 the decentralisation implementation group, DIG, identified 15 organisations and offices as early movers. This involved 21 projects, 20 locations, nearly 3,500 jobs and the transfer of eight headquarters. The report contained a schedule showing indicative construction start and completion dates for the procurement of office accommodation in the new locations.

Subsequently the DIG submitted a further progress report to the Minister for Finance on 30 June 2005 in which it recommended that the remaining 24 Civil Service organisations and locations not listed earlier as early movers should advance to a more active stage of preparation for relocation. The group provided indicative construction completion dates for each of these organisations and locations. The full contents of this report can be accessed at www.decenralisation.gov.ie.

On the State agencies, the DIG noted that little progress had been made on mobility of staff between State agencies and between those agencies and the Civil Service. The group recommended that Departments and agencies should engage with the unions to see what ground breaking initiative could be taken to advance this issue. In view of the more individualised approach which the DIG saw as being necessary for the relocation of State agencies the group decided not to include specific timeframes for the relocation of these agencies.

Tax Code.

112. **Ms Shortall** asked the Minister for Finance the statutory basis for the tax-saver commuter ticket scheme. [4918/06]

Minister for Finance (Mr. Cowen): Section 33 of Finance Act 1999 amended section 118 of the Taxes Consolidation Act 1997 to exempt from income tax the benefit-in-kind arising from the provision of an annual or monthly bus or train pass by an employer to an employee or director. The exemption applied in respect of a bus/train pass issued in respect of a scheduled licensed passenger transport service, that is, CIE — or any of its subsidiaries — and those operators who had a licence under the Road Transport Act 1932.

Section 8 of Finance Act 2004 extended the BIK tax exemption for employer-provided travel passes to include LUAS services. The Act also clarified that the exemption applies where a

pass/ticket covers more than one operator, for example, an integrated ticket covering LUAS and Dublin Bus.

Section 8 of Finance Act 2005 extended the benefit-in-kind tax exemption for employer-provided travel passes to include passes for travel on commuter ferries which operate within the State.

Commuter Ticket Schemes.

113. **Ms Shortall** asked the Minister for Finance the number of persons availing of the tax-saver commuter ticket schemes in each of the years since its inception; the corresponding number of tax-payers in each of these years; the gross cost of the scheme to the Exchequer in each of those years; and the breakdown by ticket type claimed for each of those years (details supplied). [4919/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the position on travel tickets is that where an employer provides an employee with an annual or monthly bus or train pass, the cost of such a pass is not taxable. In addition, where an employee foregoes salary, and such salary foregone is used by the employee to purchase an annual or monthly bus or train pass, then the salary foregone is not taxable. Both of these instances are subject to certain conditions.

I am further advised by the Revenue Commissioners that employees are not required to include in their tax returns income arising from the provision of travel passes by their employers. In the case of employers the expense of travel passes to employees is allowable as a deduction in arriving at profits for tax purposes. However, the employer's tax return of income does not contain an entry in respect of this item and the employer's profit and loss account does not normally distinguish between this particular expense and other employment-related expenses. In these circumstances it is not possible to provide a totally reliable estimate of numbers or costs involved at present.

However, information available to my Department from Dublin Bus shows the following breakdown of tax-saver tickets issued by that company for the years 1999 to 2005:

1999

	Quantity
Monthly Dublin Bus Ticket	290
Monthly Irish Rail Ticket (Dublin Suburban)	100
Monthly Irish Rail Ticket (Point to Point)	30
Monthly Bus/Rail (Dublin Area)	359
Annual Dublin Bus Ticket	36
Annual Irish Rail Ticket (Dublin Suburban)	20
Annual Irish Rail Ticket (Point to Point)	7
Annual Bus/Rail (Dublin Area)	52
Total for 1999	894

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2000	
	Quantity
Monthly Dublin Bus Ticket	640
Monthly Irish Rail Ticket (Dublin Suburban)	280
Monthly Irish Rail Ticket (Point to Point)	57
Monthly Bus/Rail (Dublin Area)	680
Annual Dublin Bus Ticket	97
Annual Irish Rail Ticket (Dublin Suburban)	53
Annual Irish Rail Ticket (Point to Point)	28
Annual Bus/Rail (Dublin Area)	117
Total for 2000	1,952
2001	
	Quantity
Monthly Dublin Bus Ticket	3,370
Monthly Irish Rail Ticket (Dublin Suburban)	1,800
Monthly Irish Rail Ticket (Point to Point)	700
Monthly Bus/Rail (Dublin Area)	4,250
Annual Dublin Bus Ticket	897
Annual Irish Rail Ticket (Dublin Suburban)	490
Annual Irish Rail Ticket (Point to Point)	340
Annual Bus/Rail (Dublin Area)	934
Total for 2001	12,781
2002	
	Quantity
Monthly Dublin Bus Ticket	4,875
Monthly Irish Rail Ticket (Dublin Suburban)	4,549
Monthly Irish Rail Ticket (Point to Point)	1,450
Monthly Bus/Rail (Dublin Area)	4,224
Annual Dublin Bus Ticket	4,152
Annual Irish Rail Ticket (Dublin Suburban)	1,784
Annual Irish Rail Ticket (Point to Point)	1,916
Annual Bus/Rail (Dublin Area)	3,666
Total for 2002	26,616
2003	
	Quantity
Monthly Dublin Bus Ticket	6,879
Monthly Irish Rail Ticket (Dublin Suburban)	3,571
Monthly Irish Rail Ticket (Point to Point)	2,396
Monthly Bus/Rail (Dublin Area)	4,183

	Quantity
Annual Dublin Bus Ticket	6,526
Annual Irish Rail Ticket (Dublin Suburban)	3,113
Annual Irish Rail Ticket (Point to Point)	2,462
Annual Bus/Rail (Dublin Area)	3,297
Total for 2003	32,427

2004	
	Quantity
Monthly Dublin Bus Ticket	8,576
Monthly Irish Rail Ticket (Dublin Suburban)	4,963
Monthly Irish Rail Ticket (Point to Point)	3,528
Monthly Bus/Rail Ticket (Short Hop)	5,155
Monthly Bus/Luas	388
Annual Dublin Bus Ticket	5,759
Annual Irish Rail Ticket (Dublin Suburban)	3,025
Annual Irish Rail Ticket (Point to Point)	2,767
Annual Bus/Rail (Dublin Area)	4,129
Annual Bus/Luas	184
Total for 2004	38,474

2005	
	Quantity
Monthly Dublin Bus Ticket	7,338
Monthly Irish Rail Ticket (Dublin Suburban)	5,691
Monthly Irish Rail Ticket (Point to Point)	4,231
Monthly Bus/Rail Ticket (Short Hop)	4,060
Monthly Bus/Luas	3,000
Annual Dublin Bus Ticket	5,353
Annual Irish Rail Ticket (Dublin Suburban)	2,370
Annual Irish Rail Ticket (Point to Point)	1,906
Monthly Bus/Rail (Short Hop)	4,382
Annual Bus/Rail/Luas	1,218
Total for 2005	39,549

On the basis of ticket sale receipt figures supplied by Dublin Bus and assuming an average marginal tax rate of 30% plus the value of PRSI-health levies foregone, the cost in revenue foregone is estimated at €1.1 million in 2001, €4.2 million in 2002, €6.1 million in 2003, €7 million in 2004 and €7.1 million for 2005.

The other main public transport operators are being contacted with a view to assembling more comprehensive information. When this information is to hand I will forward it to the Deputy.

The total numbers of income earners on PAYE tax records and the corresponding numbers who were effectively liable to income tax for the tax years 1999/2000 to 2005 are as follows.

Numbers of income earners and taxpayers in PAYE from 1999/2000 to 2005

Tax Year	PAYE number	
	Income Earners	Effectively liable to tax
1999/2000	1,458,500	1,059,470
2000/2001	1,556,000	1,120,030
2001	1,581,900	1,117,660
2002	1,678,000	1,112,110
2003*	1,716,900	1,128,860
2004*	1,774,800	1,158,400
2005*	1,813,900	1,159,150

*These figures are provisional and likely to be revised. The numbers of income earners and taxpayers have been rounded to the nearest ten, as appropriate.

The numbers of income earners for 2003 and later years are based on actual data for 2002 projected forward in accordance with macroeconomic data relating to actual and expected growth in income and employment. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Civil Service Travel Scheme.

114. **Ms Shortall** asked the Minister for Finance if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme. [4922/06]

Minister for Finance (Mr. Cowen): My Department operates the Civil Service travel pass scheme as outlined in the Department of Finance circular 50/2001. In order to participate in the scheme an employee must be employed on a permanent or probationary basis on the date of application. In addition employees employed under fixed-term contract are eligible to join the scheme. The scheme operates on a 12 month basis from 1 January to 31 December each year.

The closing date for applications to join the scheme is determined by the date set by the transport providers for receipt of orders for travel passes. In order to allow time for the processing of applications, the Department usually requires that applications to join the scheme be made one to two weeks prior to this date. For the 2006 travel pass scheme, the date set by the travel operators was 1 December 2005. The Department's closing date for receipt of applications was 25 November 2005.

Electronic Communications Appeals.

115. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources

the number of decisions taken by ComReg that have been appealed to the Electronic Communications Appeal Panel and the result in each case; the number of such cases that were settled prior to hearing; and if he will make a statement on the matter. [4794/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In total 11 appeals have been referred to appeal panels. One appeal by Hutchison 3G Ireland Limited was determined by an appeal panel finding in favour of the appellant. Six appeals concluded following the annulment of ComReg's decisions by an appeals panel. These six appeals related to findings of joint dominance by ComReg against Vodafone and O₂. Three appeals were settled between the parties prior to a determination by an appeal panel. These appeals were all brought by Eircom. One appeal by Eircom is ongoing. Details of these appeals are available at www.ecap.ie.

Civil Service Travel Scheme.

116. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4923/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A personnel notice issued to all staff in my Department on 18 October 2005 for the 2006 travel pass scheme inviting applications from all staff with a closing date of 11 November 2005. This date was set for operational reasons to facilitate the processing and issuing of annual passes by the relevant travel operators before 1 January 2006. My Department and the travel operators facilitate applications after this date, and staff joining through the year, but the main scheme is operated as an annual scheme tied in to the financial year 1 January to 31 December. The travel pass scheme for the Civil Service is available to all staff in my Department including temporary contract staff.

Foreign Conflicts.

117. **Mr. F. McGrath** asked the Minister for Foreign Affairs to raise the alleged plan by President Bush and Prime Minister Blair to paint a US Military Aircraft in UN Colours, fly it over Iraq in order to provoke an attack by Saddam Hussein with the US authorities and the EU. [4822/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of the alleged proposal to which the Deputy refers. It is mentioned in a recently published book and has been reported in the media. There has been no suggestion, however, that the matter went any further or that any such plan was ever carried out.

Decentralisation Programme.

118. **Mr. Durkan** asked the Minister for Foreign Affairs if a person (details supplied) in County Kildare will be facilitated in their wish to transfer to County Kildare, Maynooth, Naas or Newbridge within the context of decentralisation and having regard to the existence of strong compassionate grounds; and if he will make a statement on the matter. [4888/06]

Minister for Foreign Affairs (Mr. D. Ahern): The human resources section of my Department is aware that the officer concerned has applied to decentralise to County Kildare and will do whatever it can to facilitate her application. It is a matter for the Departments based in, or moving to, her preferred locations to make an offer of a transfer to the officer.

The officer's first preference is not available at this stage, and her second preference is over-subscribed at the relevant grade. However, my Department will monitor the situation and try to help in every way possible.

Civil Service Travel Scheme.

119. **Ms Shortall** asked the Minister for Foreign Affairs if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4924/06]

Minister for Foreign Affairs (Mr. D. Ahern): The travel pass scheme was introduced in 2002 under terms and conditions set out in Department of Finance circular 50/2001 — travel pass scheme for the Civil Service, and has been made available to the staff of the Department of Foreign Affairs since then. The scheme was introduced as part of the Government's policy to encourage greater use of public transport. Under arrangements agreed with the Revenue Commissioners, it allows civil servants to forego salary to the value of the travel pass, thus reducing individual liability for income tax and PRSI.

It is a condition of the Revenue Commissioners that the travel pass scheme operate on the basis of an annual option. The *pro rata* salary sacrifice is reflected in the officer's weekly or fortnightly salary over that period. Due to this 12 month commitment, temporary, seasonal and other non-

routine workers have not, so far, been accommodated in the scheme. The closing date for applications for 2006 travel passes under the scheme was 11 November 2005. A total of 157 applications were received.

120. **Ms Shortall** asked the Minister for Arts, Sport and Tourism if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4925/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Civil Service travel pass scheme was introduced in my Department in 2002 and operates each year from 1 January to 31 December of the year in question. It is advertised in early November each year with a deadline in mid-November. Temporary or non-routine workers can be included in the scheme if they are in employment at the time the scheme is advertised and there is a reasonable expectation that they will continue their employment during the following year, for example, on a temporary contract. Where staff leave the Department during the operative period of the scheme they are responsible for covering the remainder of the cost of the ticket in its entirety.

Employment Appeals Tribunal Awards.

121. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment his views on the failure of his Department to initiate legal proceedings against a company (details supplied) following its failure to pay an Employment Appeals Tribunal award to one of its former employees and prior to it being struck off the Companies Register; and if he will make a statement on the matter. [4765/06]

122. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the compensatory measures he intends to take for the inaction of his Department over a period of almost two years to initiate legal proceedings against a company (details supplied) following its failure to pay an Employment Appeals Tribunal award to one of its former employees and prior to it being struck off the Companies Register; and if he will make a statement on the matter. [4766/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I propose to take Questions Nos. 121 and 122 together.

The case under reference was received in January 2003. The enforcement unit of the

Department, which deals with the enforcement of both Labour Court and Employment Appeals Tribunal determinations, wrote to the former employer requesting payment of the award. No response was received from the employer.

Steps necessary to entail enforcement of the award as part of the general preparatory work for the institution of legal proceedings were taken. Checks as to the precise identity of the employer with a view to ensuring legal enforceability of the determination were made with the Companies Registration Office and the Department of Social and Family Affairs. In addition, legal searches were carried out in the Land Registry, Registry of Deeds, sheriff's office and judgment office to determine if the company had assets against which a judgment may be enforced. In April 2003 the case was then forwarded to the Chief State Solicitor's office for transmission to the State solicitor for the area where the employer ordinarily resides.

The case was listed for hearing in Cork Circuit Court for January 2005. However, the Department became aware that the company was struck off the companies register in November 2004. The effect of a strike off is that the company is no longer a legal entity and cannot be the subject of legal proceedings.

The Department has no function in the operation of the Chief State Solicitor's office or in the services provided by the State solicitors.

The Protection of Employees (Employers' Insolvency) Acts 1984-1991 provide for payment of certain wage-related entitlements, including awards made by the Employment Appeals Tribunal, subject to certain limits and conditions, including time limits. One of the essential conditions of the insolvency payments scheme is the pre-existence of a statutory insolvency situation such as in the definition of insolvency for the purpose of the 1984 Act. This definition covers situations such as liquidations, receiverships, bankruptcies, etc. To qualify for payment under the insolvency legislation any determination of the tribunal would have to have been made in the 18 months prior to a company being formally declared insolvent.

In the case under reference, the Department has no record of the company having been formally declared insolvent in accordance with the legislation and, therefore, the employee would not qualify for payment under the insolvency payments scheme.

123. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the measures he intends to take to prevent the repetition of a situation whereby a period of almost two years can elapse between an Employment Appeals Tribunal award being determined and a company against which such an award has been made is struck off the Companies Register without legal action being initiated by his Department within

that period to recover the amounts due; and if he will make a statement on the matter. [4767/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The enforcement unit of the Department of Enterprise, Trade and Employment deals with the enforcement of determinations coming from the Labour Court and Employment Appeals Tribunal. The initial action is to write to the former employer requesting payment of the award. Where no response is received from the employer steps necessary to entail enforcement of the award as part of the general preparatory work for the institution of legal proceedings are taken. These include checks as to the precise identity of the employer with a view to ensuring legal enforceability of the determination. Such checking involves the examination of records held by the Companies Registration Office and the Department of Social and Family Affairs.

In addition, legal searches are carried out in the Land Registry, Registry of Deeds, sheriff's office and judgment Office to determine if the company has assets against which a judgment may be enforced. Delays may and do arise, such as where an employee is unable to produce tax documentation for example, P45 or P60, which is necessary to facilitate checking the relevant records in the Department of Social and Family Affairs to confirm the employee's legal employer. Where the name on the determination differs from that in the records of the Department of Social and Family Affairs a correcting order from the Labour Court or the Employment Appeals Tribunal may have to be obtained.

Further delays may arise in getting evidence that an employer has received a copy of the determination. These are all measures necessary for a successful prosecution to be undertaken.

When these actions are completed the case is then forwarded to the Chief State Solicitor's office for transmission to the State Solicitor for the area where the employer ordinarily resides to institute legal proceedings. The Department of Enterprise, Trade and Employment has no function in the operations of the Chief State Solicitor's office or the services provided by the State Solicitors practising throughout the State.

124. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the measures he intends to take to prevent the directors of a company (details supplied) which was struck off forming or becoming directors of other companies while an Employment Appeals Tribunal award remains outstanding on the struck off company; and if he will make a statement on the matter. [4768/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I understand, that the com-

[Mr. Martin.]

pany in question was incorporated on 4 December 2000 and struck off the register on 21 November 2004 and dissolved on 26 November 2004 for non-filing of its annual returns.

There is no provision under existing legislation automatically preventing directors of a struck-off company from being or seeking to be directors of another company. Unless such a person has been disqualified pursuant to section 160 of the Companies Act 1990 or restricted pursuant to section 150 of the Companies Act 1990, he or she is free to remain as or become a director of other companies, notwithstanding the involuntary strike off of a company in respect of which he or she acted as a director.

The Company Law Enforcement Act 2001 introduced provisions for the Director of Corporate Enforcement to bring applications to the High Court to have the directors of a struck-off company disqualified from acting as directors. However, if these directors can show that the struck-off company had no liabilities at the time of strike-off or that any such liabilities were discharged before the date of the making of any application for a disqualification order, then it is most unlikely that a disqualification order will be made by the High Court.

Whether an Employment Appeals Tribunal award remains outstanding has no direct bearing on the operation of the sections of company law previously mentioned. It is a matter for the Director of Corporate Enforcement to determine which, if any, cases he pursues. The Deputy may wish to make a formal complaint to the Director of Corporate Enforcement supplying full details of any liabilities arising in regard to the struck-off company.

Occupational Stress.

125. **Mr. McEntee** asked the Minister for Enterprise, Trade and Employment the extent of occupational stress; if workplace stress is increasing; the underlying factors; if these factors are on the increase; the groups of workers most concerned; the cost to the Irish economy of workplace stress; the way in which the issue is monitored; and if he will make a statement on the matter. [4780/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): There is no reliable data on the extent of stress caused by work, that is, occupational stress, in Ireland. There is no facility or central agency that has reliably measured either the reporting or the treatment of occupational stress in Ireland. Hence, as there is no historical data, nor any current reliable data, it is not possible to reply definitively to the elements of the Deputy's question.

I am aware that there are some large organisations and professional bodies that make their own inquiries into the level of self-reported stress among their own membership but this information is not available either to my Department or the Health and Safety Authority.

The Report of the Advisory Group on Workplace Bullying published last year covered this subject but did not set out any data on the extent of workplace stress or the groups most affected.

There is a body of scientific research on the topic, which tends to agree as to the sources of occupational stress. The list is not exhaustive, as the world of work and the social environment changes quickly. However, many researchers agree that the most cited causes of occupational stress arise under six broad headings: demands at work; control over work; support at work; roles; relationships; and change.

As there is no available data on costs for the economy from occupational stress, other than the costs directly paid out by the Department of Social and Family Affairs in respect of occupational injury benefit and allowances for anxiety-related disorders and stress, it is not possible to indicate the cost to the Irish economy of workplace stress. Department of Social and Family Affairs figures available to me show that in 2005, 169 occupational injury benefit claims related to stress were received in a total of 11,600 occupational injury benefit claims. The cost of paying out benefit in respect of these claims is not yet available. The Department of Social and Family Affairs figure, however, would not capture all the associated costs such as replacement workers, litigation, insurance costs, public health costs and secondary costs from the fall-out of stress.

As stress is not an illness, it is not a reportable workplace issue to the authorities in Ireland. It is therefore not monitored. Advice and general awareness raising in relation to occupational safety, health and welfare, including stress, is carried out by the Health and Safety Authority through promotional material and presentations, assistance and guidance.

The Health and Safety Authority expects every employer to conduct risk assessments for health and safety hazards, including work-related stress where appropriate, in accordance with the requirements of the Safety, Health and Welfare at Work Act 2005.

It is important that the risk assessment includes consulting with employees and their representatives to identify problem areas, taking action to address these problems in partnership with employees and their representatives, and a commitment to review action plans.

I would like to add that the HSA in partnership with the British Health and Safety Executive and Health Scotland have developed Work Positive, which is an audit tool with guidance material for

in-house application. Work Positive is a comprehensive risk management tool that incorporates a risk assessment template covering the known causes of workplace stress. It provides a step-by-step guide to assessing risks of stress, outlining the aims of each step and thereby helping employers to eliminate or properly manage these risk factors at the workplace.

Jobs for People with Disabilities.

126. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the position regarding employment options for a person with a mild intellectual disability; and the details relating to same on the north side of Dublin. [4801/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Under the aegis of the Department, and consistent with best practice, FÁS services are mainstreamed. This means that the objective is the systematic integration of disabled people into the open labour market by actively creating conditions whereby disabled people can compete and operate in the labour on an equitable basis with their non-disabled peers.

The most appropriate method to explore these employment options would be through the FÁS supported employment programme. This programme facilitates the integration of disabled people into paid employment in the open labour market by providing support to assist them in the integration process, and to meet the labour market requirements of employers. The key objectives of the programme are carried out by a job coach. The job coach facilitates the integration of employees with a disability into the workplace. The job coach is employed by a sponsor organisation which runs a supported employment programme on behalf of FÁS.

Prospective candidates for supported employment on the north side of Dublin should first register with his-her local FÁS employment service office in either Finglas, Coolock, Baldoyle, Swords, Balbriggan or D'Olier St, as appropriate, and discuss options with a FÁS employment services officer. The current FÁS supported employment sponsor on the north side of Dublin is: Work 4u Ltd, Unit 1-3, Ballymun Enterprise Centre, Ballymun Industrial Estate, Dublin 11.

Under mainstreaming, supported employment is but one of a range of schemes and grants provided by FÁS to assist people with disabilities and to promote their employment prospects in the open labour market. Others include: the employee retention grant; the disability awareness training support scheme; the employment support scheme, ESS; the personal reader grant; the job interview interpreter grant, JIIG; the

work equipment-adaptation grant, WEAG; and wage subsidy scheme, WSS.

Civil Service Travel Scheme.

127. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4926/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department operates the Civil Service travel pass scheme on an annual basis. The closing date for applications is mid-November and travel passes are issued in December each year for the following 12 month period. New entrants may also apply for travel passes in January and February. All applicants must be employed on a permanent basis at the date of application. Officers on probation are also eligible to apply.

Social Welfare Benefits.

128. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if the social welfare allowance and rental allowance will be restored to a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [4825/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes a basic income support payment and a rent supplement payment, is administered on my behalf by the community welfare division of the Health Service Executive, HSE. Neither I nor my Department has any function in relation to decisions on individual claims.

In calculating the amount of supplementary welfare allowance payable to any person the needs and means of the household are aggregated and are regarded as the needs and means of the claimant. The amount of payment is determined by the amount by which a persons means fall short of their needs. In addition, social welfare legislation provides for the exclusion of the following categories from receipt of assistance under the supplementary welfare allowance scheme: a person engaged in remunerative full-time employment or whose spouse or partner is engaged in full-time employment; a person attending a course of study other than in such circumstances and subject to such conditions as may be prescribed; and a person without employment by reason of a stoppage of work due to a trade dispute at his place of employment.

Accordingly, in order to determine entitlement to supplementary welfare allowance the executive

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must accurately verify the composition of the household so that the family's entitlement to a payment under the supplementary welfare allowance scheme can be established.

The HSE has advised that following a review of the supplementary welfare allowance entitlements of the person concerned, a decision was made to terminate payment of rent supplement and of the weekly basic supplementary welfare allowance, as it was not in a position to accurately determine the household composition.

The person concerned has appealed the decision to the executive's designated appeals officer. The executive has advised that a decision will be made in relation to the appeal shortly.

129. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on allowing the one-parent family payment to recipients to retain all their secondary benefits for the duration of their participation in education and training programmes in view of the fact that almost 50% of one-parent family payment claimants only have a primary level education and the fact that he has identified the need to remove the barriers to lone parents in entering employment as one of his Department's priorities for 2006; and if he will make a statement on the matter. [4938/06]

Minister for Social and Family Affairs (Mr. Brennan): Social welfare programmes aim to be responsive to the needs of those who depend on income maintenance support while providing incentives to assist people to become more independent financially, particularly through employment.

A number of measures have been introduced in recent years to remove disincentives to taking up employment and to assist in the transition from welfare to work. These measures include special means disregards and tapered withdrawal of benefits as earnings increase, the back to education allowance and employment support schemes such as the back to work programme.

People, including recipients of the one-parent family payment, are entitled to retain certain social welfare payments and other secondary benefits in total or in part for the duration of a community employment scheme, subject to certain conditions. Alternatively, they may qualify for secondary benefits under the standard rules of the scheme in question.

For most people the most significant secondary benefit is rent or mortgage interest supplement, which is paid under the supplementary welfare allowance scheme. An income limit of €317.43 per week applies to the retention of these supplements. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are disregarded in the assessment of the €317.43 weekly income limit.

PRSI and reasonable travelling expenses are also disregarded in the means test. People with incomes above this limit are assessed and may qualify under the standard rules of the rent or mortgage interest supplement schemes.

Back to education allowance is designed to assist those who have not worked for some time to improve their employability and job-readiness by enabling them to improve their education level-qualifications.

Importantly, the back to education allowance payment is not a means tested payment. Participants receive a weekly allowance equivalent to the maximum standard rate of their one-parent family payment, hence lone parents previously on reduced rate of one-parent family payment get the equivalent of the maximum rate if they participate on the scheme. In addition, participants on the back to education allowance are paid an annual cost of education allowance of €400 at the beginning of each academic year. Participants may continue to receive any secondary benefits to which they would otherwise have an entitlement. These may include Christmas bonus, rent allowance-mortgage interest supplement.

The numbers of lone parents accessing the back to education allowance has increased from 626 in 2002-03 to 1,514 in 2004-05. One of the key tasks in the Ending Child Poverty initiative under Sustaining Progress is to address obstacles to employment for lone parents.

The Senior Officials Group on Social Inclusion was mandated late in 2004 to examine this issue and report back to the Cabinet Committee on Social Inclusion with specific proposals. A sub-group of the Senior Officials Group has been examining obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child care and support programmes and information.

A working group was also established in my Department to review the income support arrangements for lone parents. This group has looked at issues including the contingency basis of the one-parent family payment, cohabitation, maintenance and secondary benefits. A consultation process with social partners and other interested parties was also undertaken to inform the work of the group.

I intend to make the findings of both working groups public in the near future and to engage in a consultation process with interested parties. It is my intention that the outcome of these reviews, together with initiatives already in place in my Department, will contribute to the ongoing development of proposals designed to better support and encourage lone parents in achieving a better standard of living, employment and education opportunities, a better future for themselves and their children, and a more appropriate social policy in the future.

Social Welfare Appeals.

130. **Mr. Ring** asked the Minister for Social and Family Affairs, further to a previous parliamentary question, the person who dealt with the appeal for a person in County Mayo (details supplied); and the persons who attended that oral hearing. [4797/06]

Minister for Social and Family Affairs (Mr. Brennan): Further to the previous parliamentary question referred to, the appeals officer of the social welfare appeals office who decided the case was Ms Una Reidy. Also in attendance at the oral hearing in this case were the appellant, his wife, his daughter and a note-taker, Ms Julie Gallagher, staff officer.

Social Welfare Benefits.

131. **Mr. Gogarty** asked the Minister for Social and Family Affairs if an anomaly exists whereby a woman earning an allowance of €119 as an adult dependant on their spouse's pension is able to earn up to €100 per week without any reduction being made, whereas a woman who receives €96.80 pension payment in their own right is not able to earn anything additional; his plans to close such loopholes; and if he will make a statement on the matter. [4808/06]

Minister for Social and Family Affairs (Mr. Brennan): In the case of contributory pensions and most other contributory and non-contributory social welfare payments, a qualified adult allowance, QAA, is payable in respect of a spouse or partner who is wholly or mainly maintained by the claimant.

Account is taken of the spouse or partner's income for the purposes of determining whether the spouse is wholly or mainly dependent. A spouse or partner's income includes income from employment, self-employment, income from other sources such as rents from the letting of property and income from occupational pensions and foreign social security payments, as well as income from capital. Thus, for the purposes of determining whether a person is wholly or mainly dependant, account is taken of the totality of the spouse or partner's income without regard to the source of that income.

Prior to budget 2006, a qualified adult allowance at the maximum rate was payable where the spouse-partner's income was less than €88.89 per week and tapered reduced rates were payable where income was greater than €88.89, but less than €220 per week. A QAA was not payable where income exceeded €220 per week.

On budget day, as part of my reform programme, I was pleased to announce a number of further improvements to these means testing arrangements, including an increase in the spouse's income threshold for entitlement to the

qualified adult allowance from €88.88 to €100 a week. This improvement comes into effect on different dates, depending on the scheme in question, during the course of 2006. The upper threshold for entitlement to a tapered rate of QAA is also being increased to €240 per week with effect from January last and to €250 when the lower threshold increases to €100.

I should clarify that the €100 a week threshold relates to all income and not just income from employment. Accordingly, there is no anomaly in the situation outlined by the Deputy where the spouse has a private pension of €96.80 per week. The person could have a pension up to €100 a week and still qualify for a full QAA.

Question No. 132 answered with Question No. 51.

133. **Mr. Durkan** asked the Minister for Social and Family Affairs if the free schemes will be extended to other groups who do not as yet qualify with particular reference to those who might need special heating or telephone requirements; and if he will make a statement on the matter. [4901/06]

Minister for Social and Family Affairs (Mr. Brennan): The household benefits package, which comprises the electricity-gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition.

Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefits package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse.

In recognition of higher home heating costs, the rate of fuel allowance was increased in budget 2006 by €5 or 56% a week, with effect from January 2006. This brings the rate of fuel allowance to €14 per week. Recipients in designated urban smokeless fuel zones receive €17.90 per week. This is payable for a 29 week period from end of September to mid-April each year.

A range of proposals have been made to extend the coverage of the household benefits package of free schemes. These proposals are being kept under review in the context of the objectives of the scheme and budgetary resources.

Question No. 134 answered with Question No. 24.

Question No. 135 answered with Question No. 12.

136. **Mr. Durkan** asked the Minister for Social and Family Affairs his views on increasing the level of payments to younger widows or widowers who do not qualify for free schemes; and if he will make a statement on the matter. [4904/06]

Minister for Social and Family Affairs (Mr. Brennan): Widows and widowers can qualify for one of a number of different schemes depending on their particular circumstances. The contributory widow's-widower's pension is available to those who satisfy the necessary PRSI contribution conditions, either on their own record or that of the deceased spouse. Those qualifying for this benefit are not subject to any means test.

Those without the necessary PRSI contributions can, if they have qualifying children, receive the one-parent family payment. This is a means tested payment but it does feature a reasonable earnings disregard which is designed to assist with the extra costs those with children face in trying to access training or employment. Up to €146.50 of earnings per week is completely disregarded, while earnings in excess of that and up to €293 per week are assessed at 50%. The upper threshold will increase to €375 from June 2006.

Widows or widowers without qualifying children can apply for the widow's-widower's non-contributory pension. There is no specific earnings disregard associated with this payment but a standard allowance of €7.60 per week is applied to all income. In addition, up to €20,000 in capital is disregarded when means are being assessed.

Increases in the rates of child benefit are also of benefit to widows and widowers with children. Since 1997, the monthly rates of child benefit have been increased significantly. The current rates of child benefit are €150.00 per month for each of the first and second children and €185.00 per month for the third and subsequent children.

Widows and widowers are also entitled to the fuel allowance, back to school clothing and footwear allowance, and other secondary benefits, on the same basis as other social welfare recipients.

The adequacy of payments for widowed people, and for welfare recipients in general, is kept under review and, where appropriate, increases are granted in annual budgets. In budget 2006, widowed people received increases of between €14 and €17 per week or between 9.5% and 11%. This is well ahead of the rate of inflation.

It would be difficult to justify additional supports for widows and widowers, in certain circumstances, without also considering the position of

other social welfare recipients who may have similar income support needs.

137. **Mr. Durkan** asked the Minister for Social and Family Affairs if the back to education allowance requirement might be relaxed with a view to catering for increased numbers; and if he will make a statement on the matter. [4905/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

As the Deputy may be aware, I reduced the qualifying period for access to the third level option of the scheme to 12 months in the 2005 budget. I also increased the annual cost of education allowance, paid to people on BTEA, from €254 to €400. These changes came into effect from 1 September 2005.

Following an undertaking to the Dáil and the Joint Committee on Social and Family Affairs, I further reduced the qualifying period for access to the third level option to nine months in certain cases. This condition applies to persons who are participating in the national employment action plan, NEAP, process and where a FÁS employment services officer recommends pursuance of a third level course of study as essential to the enhancement of individuals employment prospects. This new condition also came into effect from 1 September 2005.

Furthermore, in the recent budget I announced that time spent in receipt of supplementary welfare allowance can count towards the qualifying period for back to education allowance in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of study. This new provision will come into effect from September 2006.

The requirement to be in receipt of a relevant social welfare payment for a minimum period of time has always been a feature of the back to education allowance scheme and is considered necessary in order to ensure that limited resources are targeted at those who are most in need of second chance education. The scheme is intended to assist people with a history of dependence on social welfare and is a recognition of the special difficulties which such persons can face when attempting to equip themselves for the modern labour force.

I am satisfied that, overall, the current arrangements ensure that my Department's back to education allowance scheme continues to support those people who are most distant from the

labour market and whose need is greatest, but the situation is being kept under review.

Question No. 138 answered with Question No. 6.

Pension Provisions.

139. **Mr. Durkan** asked the Minister for Social and Family Affairs if it is intended to speed up the process of applications for various pension entitlements with particular reference to countries with which Ireland has a bilateral arrangement; and if he will make a statement on the matter. [4907/06]

Minister for Social and Family Affairs (Mr. Brennan): The main purpose of the EU and bilateral social security arrangements is to protect the pension rights of persons who have paid social insurance contributions in Ireland and have reckonable periods of insurance in another country. The arrangements protect pension rights by allowing reckonable periods in each country to be taken into account in either country in determining entitlement to certain benefits where there would be no entitlement if national legislation only applied. Apart from the EU regulations on social security, Ireland has bilateral social security agreements with seven countries: Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. A bilateral understanding also exists with Quebec since 1994.

The majority of cases involving EU and bilateral *pro-rata* pension entitlement are those with UK insurance. Processing times for claims that fall to be examined under EU and bilateral agreements are longer than those for standard Irish entitlements because of the added complexity that arises in determining entitlements under these agreements and the necessity to obtain the relevant foreign insurance details. Every effort is made to minimise processing times for all pension claims. However, the paramount objective is to make sure that people receive their proper entitlements.

Additional temporary staff were assigned to the EU-international section of my Department which deals with retirement and old age contributory pensions, the bulk of EU and bilateral pensions in 2005. More recently four permanent staff have been assigned to the section which is now clearing the backlog of cases which resulted in delays. The situation is being actively monitored and additional resources will be deployed according as demands on other fronts allow.

Further technological solutions are being sought to speed up the claim process and reduce delays. Developments are being progressed with the Department of Work and Pensions, UK and the other foreign agencies to ensure the smooth transfer of the necessary information required to

decide on these types of claims. The Deputy may wish to note that the majority of people whose claims fall to be examined under EU and bilateral agreements are already in receipt of a pension from another jurisdiction.

I would like to assure the Deputy that delays in processing applications will not result in any losses to pensioners and those who qualify for payment will have their claims backdated fully in accordance with the normal regulations for back-dating pension claims.

140. **Mr. Durkan** asked the Minister for Social and Family Affairs the progress which has taken place with a view to offering contributory or non-contributory old age pensions to Irish missionaries who worked overseas but who wish to remain here; and if he will make a statement on the matter. [4908/06]

Minister for Social and Family Affairs (Mr. Brennan): Missionaries who have made sufficient social insurance contributions can qualify for an old age contributory pension. Contributory pensions are payable abroad and so missionaries who qualify and who chose to settle overseas can receive a payment.

Non-contributory pensions are only payable where a person is resident in this country. Accordingly, missionaries who return here and who satisfy the habitual residence condition and a means test can qualify for a pension.

As the Deputy is aware, officials of my Department made a presentation to the Joint Committee on Foreign Affairs in relation to pensions for missionaries. Following that presentation the committee decided to form a working group, chaired by its chairperson, Deputy Woods, to consider the issue as well as the question of pension entitlements for foreign aid workers in general. My Department is participating in the work of this group.

Tax and Social Welfare Codes.

141. **Mr. Durkan** asked the Minister for Social and Family Affairs the countries with whom Ireland has an arrangement or bilateral arrangement in respect of social welfare payments or supports; if expansion or extension is intended in this area; and if he will make a statement on the matter. [4909/06]

Minister for Social and Family Affairs (Mr. Brennan): Ireland has social security agreements with seven countries Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. These agreements came into effect between 1989 and 1999, except for that with the UK which came into effect in 1971. Ireland also has a bilateral understanding with Quebec since 1 October 1994. In the case of Austria, Switzer-

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land and the United Kingdom they have limited application as the EU regulations normally apply.

A revised social security agreement with Australia came into effect on the 1st January 2006 and a similar review of the New Zealand agreement is currently being carried out by officials from my Department. An updated social security agreement with the UK providing for workers moving between Ireland, the Isle of Man and the Channel Islands has been signed and it is hoped to have it ratified in the near future. It is also hoped to conclude an agreement with the Republic of Korea this year. It is intended, in due course, to consult with the relevant authorities in Canada, Quebec and the United States to examine the need for updating the provisions of these agreements.

There are no other plans at present to extend the number of countries with which Ireland has bilateral agreements on social security. However, the matter is kept under review by my officials and further consideration will be given to any case which is warranted by the number of persons who have worked both in Ireland and the other country.

Civil Service Travel Scheme.

142. **Ms Shortall** asked the Minister for Social and Family Affairs if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4927/06]

Minister for Social and Family Affairs (Mr. Brennan): The travel pass scheme was introduced by the Minister for Finance on 1 January 2002 in respect of permanent employees. Temporary employees, therefore, cannot be accommodated under the scheme.

My Department operates a flexible approach to the scheme whereby permanent employees of this Department can apply for an annual travel pass at any time throughout the year on a monthly basis. For the Deputy's information, 425 staff are availing of the scheme in 2006.

Social Welfare Code.

143. **Mr. Bruton** asked the Minister for Social and Family Affairs the position in regard to a maternity benefit claim of a person (details supplied) in Dublin 9 who has had years working at class A and then goes to work for their spouse; the position if they were partners who never married; and if this accords with obligations to not treat married person's less well. [4945/06]

Minister for Social and Family Affairs (Mr. Brennan): A claim for maternity benefit was received from the woman in question on 18 October 2005. Her expected date of confinement was certified as 22 December 2005, with her maternity leave due to commence on 5 December 2005. Details included on her application form indicated that she was working with her husband and that PRSI contributions had been paid in respect of that employment at PRSI Class A. As her husband was registered as a sole trader, the claim was referred for a decision to examine whether she was insurable under the Social Welfare Act and, if so, to establish the appropriate class of PRSI payable in respect of this employment. Following an examination of the case, a deciding officer concluded that the woman's employment was not insurable under the Social Welfare Acts, as it was an excepted employment. Her claim for maternity benefit was consequently disallowed.

The provision in the social welfare code whereby employment in the service of a husband or wife is excepted for social insurance coverage is a long-standing provision. It mirrors similar exclusions under employment protection legislation. The provision recognises the practical difficulties in establishing the nature of a genuine employment relationship in such circumstances. The ways in which spouses who work together in a family business could be covered for social insurance purposes can vary. Under current social welfare legislation provisions, there are three different scenarios to be considered. First, where spouses are actively engaged in a commercial enterprise as a business partnership, they are treated as individual self-employed contributors and are liable to social insurance contributions. These contributions enable them to build up an insurance record in their own right and to receive accruing benefits. This would apply equally to unmarried couples.

Second, where a family business is incorporated as a limited company, spouses involved in the business can establish a PRSI record either as employees or as self-employed contributors — depending on whether a contract of service exists or not. Again this is equally relevant to unmarried couples working together.

Third, a person employed under a contract of service, that is, as an employee, by his or her spouse is viewed as an "excepted" contributor under social welfare legislation. The exception applies to both men and women in family employments and recognises the practical difficulties in establishing the nature of a genuine contract of employment in such circumstances. Likewise, although not specifically excepted, it is questionable whether a person in a relationship with another for whom they are working and to who they are not married, would be considered to be in an employment under a contract of service.

Thus, where formal employment or partnership relationships are intended between spouses or assisting relatives, the legislation provides the scope necessary, as outlined above, to allow parties to enter into arrangements that will enable them to gain access to social insurance coverage.

Decentralisation Programme.

144. **Mr. McHugh** asked the Minister for Transport the progress which has been made in relation to decentralisation (details supplied); the number of people seeking transfer to Loughrea; the site of the new offices; the progress being made on provision of building; the completion date for the new building; the date on which the transfer will be complete. [4838/06]

Minister for Transport (Mr. Cullen): Very good progress is being made in relation to decentralisation of transport functions to Loughrea. I refer the Deputy to my previous answer to Question No. 128 answered on Wednesday, 1 February 2006, where I set out the position in full.

145. **Mr. McHugh** asked the Minister for Transport the progress which has been made in relation to decentralisation (details supplied) in County Galway; the number of people seeking transfer; the site of the new offices; the progress being made on provision of building; the completion date for the new building; the date on which the transfer will be complete. [4839/06]

Minister for Transport (Mr. Cullen): Under the decentralisation programme, 90 posts in the National Roads Authority are due to transfer to Ballinasloe. Seven public servants and 59 civil servants have applied on the central applications facility to decentralise. The National Roads Authority has not been identified as an early mover by the decentralisation implementation group. Implementation issues, including the identification of accommodation, are being pursued by the authority.

Driving Tests.

146. **Mr. Blaney** asked the Minister for Transport when the documentation pertaining to the lease for the off-road compound in Letterkenny for drivers of articulated vehicles in Donegal will be finalised; when testing will commence on this site; and if he will make a statement on the matter. [4774/06]

Minister for Transport (Mr. Cullen): A suitable location has been identified in Letterkenny to facilitate driving tests for articulated vehicles. Final arrangements are being made by the OPW which will allow such testing to resume shortly.

147. **Ms Shortall** asked the Minister for Transport if a person (details supplied) in County Roscommon will be refunded the cost of a theory test in view of the fact that they never received notification; the mechanisms that are in place to ensure that the company running the theory test performs to adequate standards; the role of his Department in ensuring the company meets these standards; and the measures he intends taking to address the lack of accountability on the operation of theory tests. [4793/06]

Minister for Transport (Mr. Cullen): The driver theory testing service has procedures in place for dealing with complaints, including any concerning a refund of fees, which may be addressed to the Customer Service Manager at P.O. Box 144, Drogheda, Co. Louth.

The driver theory testing service is operated as a public private partnership project. Performance standards which the service must meet are set out in the contract to deliver the service. Compliance with these performance standards are monitored on an ongoing basis by my Department.

Rail Services.

148. **Mr. Gormley** asked the Minister for Transport when the trains on the Dublin-Sligo line will be upgraded as currently DART commuter trains are being used on this inter-city line (details supplied); and if he will make a statement on the matter. [4878/06]

Minister for Transport (Mr. Cullen): While the deployment of its fleet is an operational matter for Iarnród Éireann, I am advised by the company that the frequency of service on the Dublin-Sligo railway line was recently improved from three services per day to five, with the introduction of Iarnród Éireann's new timetable in December 2005. In addition, 150 new railcars are on order and some of these will be deployed by the company on the Dublin-Sligo route from 2008, offering higher levels of passenger comfort and frequency than at present.

Civil Service Travel Scheme.

149. **Ms Shortall** asked the Minister for Transport if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4928/06]

Minister for Transport (Mr. Cullen): The travel pass scheme is operated in this Department according to the provisions of Department of Finance circular 50/2001. Although staff are encouraged to apply for a calendar year pass, a closing

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date is not operated by the Department as the scheme is available to new entrants throughout the year. All employees employed on a permanent/probationary basis are accommodated in the scheme.

Road Traffic Offences.

150. **Ms Shortall** asked the Minister for Transport, further to Question No. 137 of 2 February 2006, the offences to which penalty points will not apply following the extension of penalty point categories in April 2006. [4948/06]

Minister for Transport (Mr. Cullen): As I indicated in my reply to Question No. 137 of 2 February, the extension of the application of the penalty points system, which will be implemented with effect from April next, is focused on those penalty point offences that relate to driver behav-

our. The concentration on that group of offences is supported by the fact that driver behaviour is the primary contributory factor in some 86% of all fatal collisions.

The roll out planned for April is facilitated by the launch by the Garda Síochána of IT programmes necessary for the operation of both the penalty points system and the associated fixed charge system, which, I understand, are being operated on a test basis at present.

The overall list of offences to which the penalty points system is to be applied is set out in the First Schedule to the Road Traffic Act 2002, as subsequently amended. I will authorise further roll outs of that system following the successful implementation of the April initiative.

The following table lists those offences that will not be the subject of the April rollout. It relates primarily to offences in the categories relating to vehicles and their use, lighting of vehicles and the licensing of drivers.

Offence	General description of offence
Offence under section 12 of Road Traffic Act, 1961	Using vehicle — (a) whose weight unladen exceeds maximum permitted weight, (b) whose weight laden exceeds maximum permitted weight, or (c) any part of which transmits to ground greater weight than maximum permitted weight.
Offence under section 18 of Road Traffic Act, 1961	Using vehicle without test certificate.
Offence under section 20(10) of Road Traffic Act, 1961	Driving vehicle before remedying dangerous defect.
Offence under section 38 of Road Traffic Act, 1961	Driving without a licence.
Offence under section 39 of Road Traffic Act, 1961	Applying for a licence while disqualified for so applying.
Offence under section 40 of Road Traffic Act, 1961	Failure to produce a licence to member of Garda Síochána.
Offence under section 54 of Road Traffic Act, 1961	Driving dangerously defective vehicle.
Offence under section 115 of Road Traffic Act, 1961	Furnishing false or misleading particulars in connection with application for licence.
Offence consisting of contravention of article 10 (S.I. No. 190 of 1963)	Using vehicle whose width exceeds maximum permitted width.
Offence consisting of contravention of article 11 (S.I. No. 190 of 1963)	Using vehicle whose length exceeds maximum permitted length.
Offence consisting of contravention of article 16 (S.I. No. 190 of 1963)	Using a vehicle with defective or worn tyres.
Offence consisting of contravention of article 23 (S.I. No. 190 of 1963)	Using a vehicle from which driver has inadequate view of road and traffic.
Offence consisting of contravention of article 24 (S.I. No. 190 of 1963)	Using vehicle whose windscreen is not of safety glass or gives distorted view.
Offence consisting of contravention of article 25 (S.I. No. 190 of 1963)	Using vehicle not fitted with efficient windscreen wiper.
Offence consisting of contravention of article 26 (S.I. No. 190 of 1963)	Using vehicle not fitted with adequate driving mirror.
Offence consisting of contravention of article 46 (S.I. No. 190 of 1963)	Using vehicle whose brakes are inadequate.
Offence consisting of contravention of article 3 (S.I. 96 of 1971)	Using vehicle not fitted with adequate anchorage point for safety belts.
Offence consisting of contravention of article 4 (S.I. 96 of 1971)	Using vehicle not fitted with safety belts.
Offence consisting of contravention of article 10 (S.I. No. 360 of 1978)	Using motor cycle without wearing a crash helmet.

Offence	General description of offence
Offence consisting of contravention of article 11 (S.I. No. 360 of 1978)	Permitting passenger not wearing crash helmet to be carried on motor cycle.
Offence consisting of contravention of article 4 (S.I. No. 158 of 1985)	Using vehicle not equipped with rear underrun protective device.
Offence consisting of contravention of article 5 (S.I. No. 158 of 1985)	Using vehicle not equipped with side-guard.
Offence consisting of contravention of article 3 (S.I. No. 299 of 1993)	Using vehicle not equipped with speed limitation device.
Offence consisting of contravention of article 4 (S.I. No. 299 of 1993)	Using vehicle equipped with speed limitation device not complying with specified requirements.
Offence consisting of contravention of article 5 (S.I. No. 299 of 1993)	Using vehicle equipped with speed limitation device not sealed or not sealed in compliance with specified requirements.
Offence consisting of contravention of article 4 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 2) Regulations, 2002 (S.I. No. 93 of 2002)	Use by driver of vehicle of mobile phone while in the vehicle in a public place except when the vehicle is parked.
Offence consisting of contravention of sub-article (1) of article 9	Using vehicle not equipped with required lamps and identification mark lighting.
Offence consisting of contravention of sub-article (2) or (3) of article 9	Using trailer not equipped with required lamps and identification mark lighting.
Offence consisting of contravention of sub-article (4) of article 9	Using vehicle not equipped with required rear projecting load lamp or lateral projecting load lamp.
Offence consisting of contravention of sub-article (5) of article 9	Using trailer not equipped with required marker lamp.
Offence consisting of contravention of sub-article (6) of article 9	Using public service vehicle not equipped with required internal lighting.
Offence consisting of contravention of sub-article (7) of article 9	Using vehicle not equipped with required direction indicators.
Offence under section 42 of Road Traffic Act, 1961, consisting of contravention of sub-article (6)(b)(iv) of article 20	Holder of provisional licence driving vehicle (other than motor cycle) when not accompanied by and under supervision of qualified person.

Civil Service Travel Scheme.

151. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4929/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department participates in the travel pass scheme that is agreed centrally by the Department of Finance. The scheme operating at present allows employees to avail of an annual commuter ticket by means of a deduction from salary. Employees are not charged tax-PRSI on the portion of the salary sacrificed.

The scheme is available to officers employed on a permanent or probationary basis, as well as officers employed under a fixed-term contract in my Department. The closing date for applications for 2006 annual tickets was 18 November 2005. However, most transport providers allow for part-year tickets, commencing in any month of the year and valid until December of that year,

this caters for employees who choose to join the scheme at a later date.

There is no provision in the current scheme for seasonal or other non-routine workers. My Department will co-operate with any future changes that may be made to the scheme centrally to cater for such officers.

EU Directives.

152. **Mr. Ring** asked the Minister for Agriculture and Food if she has met with the Irish Farmers Association in regard to the regulations that give legal effect to the nitrates action programme; if so, the outcome of the meetings; and her plans to go back to Europe to try and get this directive changed. [4763/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter for the Minister for the Environment, Heritage and Local Government, in the first instance. The regulations to give legal effect to the nitrates action programme were signed by the Minister for the Environment, Heritage and Local Government in December 2005 and came into effect on 1 February 2006. The directive itself dates from 1991.

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The Minister for the Environment, Heritage and Local Government engaged in an extensive consultation process on the action programme and regulations, during which stakeholders were afforded the opportunity to put forward their views and concerns. I have also met the IFA to discuss the implementation of the nitrates directive. In addition, officials of both Departments met with farm organisations, including the IFA, and other stakeholders on a number of occasions prior to the regulations being made by the Minister for the Environment, Heritage and Local Government.

Teagasc, the State body responsible for providing the science on which the technical aspects of the regulations are based, indicated that it might be possible to review part of this advice, which could improve the effectiveness of the regulations, particularly with regard to phosphorus use.

Subsequently, the Minister for the Environment, Heritage and Local Government and I made it clear that if scientifically robust information can be brought forward, the Government will make a case to the European Commission for revising the current limits.

As a result of these developments, the Minister for the Environment, Heritage and Local Government announced that the implementation of part three of the regulations, dealing with nutrient planning, will be deferred for a number of weeks. Any amendments required to the regulations will be made following completion of the review and will require the agreement of the European Commission.

Grant Payments.

153. **Mr. J. O’Keeffe** asked the Minister for Agriculture and Food the administrative process in relation to the issue of payment cheques to farmers; the delays that can occur in relation to payments where entitlement to payments has been clearly established; the causes of such delays; and the efforts being made to ensure prompt payment. [4813/06]

Minister for Agriculture and Food (Mary Coughlan): Some 143,000 applications were received under the 2005 single payment scheme. In addition to those applicants seeking both to activate their entitlements and also receive payment, applications were received from farmers seeking only to activate their entitlements. It will be recalled that farmers who did not seek to activate their entitlements in 2005 would, under EU rules, forfeit these entitlements to the national reserve.

Of the 143,000 applications received, approximately 128,000 are eligible for payment under the

2005 scheme. To date, payments worth in excess of €1.118 billion have issued to 123,000 farmers.

In common with the coupled schemes, which the single payment scheme replaced, delays in processing can be caused by many factors, including incomplete application forms, errors on applications and discrepancies highlighted following computer validation, which are required to be resolved via correspondence with the applicant.

In many cases, payment could not be made because applicants did not submit an application to transfer the single payment entitlements to them with lands by way of inheritance, gift, lease or purchase. Many of the applications were only received after my Department made direct contact with the farmers in question during recent weeks and some have yet to be submitted.

Applications under the single payment scheme are processed as follows. They are date stamped upon receipt and are then prepared and forwarded for scanning. This provides an electronic image of all applications and associated documentation received. Following scanning, the applications are presented to the single payment scheme unit to be data-captured onto the Department’s database, SPS. Upon completion of data capture, applications which contain new plots-parcels, are submitted to a third party contractor, so that the plots/parcels can be digitised onto the Department’s database. Amendment forms received are scanned and data captured. Selected applications are issued for inspection. Queries arising from the digitisation process are referred to the single payment scheme unit for resolution. Queries arising from the data capture or digitisation are then referred to the applicant through the issue of query letters. Responses received from applicants to queries raised are scanned upon receipt and are processed to finality if possible.

If necessary, further query letters are issued to resolve specific issues. Where selected, cases subject to inspections have results entered. Quality control procedure is carried out on cases available for payment. A payment file is generated and presented for payment.

The successful introduction of the single payment scheme in Ireland, in 2005, is testimony to the efforts of all concerned. It is my intention that this success will be built on into the future to the benefit of all concerned.

154. **Mr. Durkan** asked the Minister for Agriculture and Food when area aid will be awarded in the case of a person (details supplied) in County Kildare for year ending 31 December 2005; and if she will make a statement on the matter. [4864/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application on 4 January 2006 to transfer entitle-

ments with lands by way of inheritance under the provisions of the single payment scheme. However, the single payment entitlements could not be transferred as he did not receive lands by way of gift or inheritance. The applicant was informed that the transfer was more appropriate to the private contract clause measure as the lands in question were purchased.

A private contract clause application form was forwarded to the person named for completion. Upon receipt of the completed application form, my Department will notify the person named of the outcome and issue the single payment if the application is successful.

155. **Mr. Ring** asked the Minister for Agriculture and Food if a statement of entitlements under the single farm payment scheme will re-issue to a person (details supplied) in County Mayo; and if the calculations for this payment will issue for clarification. [4865/06]

Minister for Agriculture and Food (Mary Coughlan): The original statement of provisional entitlements, which issued to all farmers who actively farmed during all or any of the three reference years 2002, 2001 and 2002, and who were paid livestock premia and/or arable aid payments in one or more of those years, included a table showing the basis of the calculation. Those farmers who considered that full account had not been taken of all their qualifying activities during the reference years were invited to contact the Department to seek a review of the calculation in their own particular case. No such request was received from the person named. However, I have arranged for an official of my Department to contact the person named directly in order to clarify the matter. If it is found that the original calculation of entitlements did not take full account of her applications under the livestock premia schemes during the reference years, the established entitlements will be amended and a supplementary payment issued to the person named.

156. **Mr. Naughten** asked the Minister for Agriculture and Food the status of a national reserve application for a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [4870/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the single payments scheme national reserve under categories A, B, C and D.

Category A caters for farmers who inherited land or received land free of charge, or for a nominal sum, from a farmer who had retired or died by 16 May 2005, and who had leased out his/her

holding to a third party during the reference period 2000-02.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under livestock premia and/or arable aid schemes would have been payable during the reference period 2000 to 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the milk quota restructuring scheme and converted their enterprise to a farming sector for which a direct payment under livestock premia or arable aid schemes would have been payable during the reference period 2000 to 2002.

Category D caters for farmers who commenced farming after 31 December 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

However, the rules governing the single payment scheme stipulate that an applicant who is found to be eligible under more than one category in the reserve may only receive an allocation of entitlements under whichever category is most beneficial to him or her.

The position is that over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants at the earliest opportunity.

My Department will be in touch with individual applicants as soon as their applications are fully processed, when formal letters setting out my Department's decision will be issued.

157. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Question No. 114 of 26 January 2006, when the person will be issued with payment; and if she will make a statement on the matter. [4872/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has completed its review of the value of the entitlements of the person in question. As a result of this review, the value of the entitlements has been increased and a supplementary payment amounting to €2,659.80 will be issued to the applicant shortly.

158. **Mr. Naughten** asked the Minister for Agriculture and Food the reason for the delay in issuing a person (details supplied) in County Roscommon with the merged single farm payment; when the payment will be issued; and if she will make a statement on the matter. [4875/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 10 May 2005 in respect of the Roscommon herd number. Full payment amounting to €4,432.78 in respect of 17.59 entitlements issued on 1 December 2005. An application, to transfer 6.65 entitlements with a total value of €1,366.84, from the Sligo herd number to the Roscommon herd number was processed on 24 January 2006. This brought the total established entitlements by the person named to 24.24. As the total forage area declared on the 2005 single payment was 21.99 hectares, she was eligible for payment on 4.4 of the 6.65 transferred entitlements. A supplementary payment amounting to €828.76 was issued on 2 February 2006 in respect of these 4.4 entitlements. In order to benefit from the full payment in 2006 on the 24.24 entitlements now held by the person named, she will need to declare 24.24 eligible hectares on her 2006 single payment application form.

159. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Roscommon is being refused the final part of their payment for their herd being locked up with tuberculosis; and if she will make a statement on the matter. [4913/06]

Minister for Agriculture and Food (Mary Coughlan): The herd of the person referred to was restricted on 4 August 2005 following the disclosure of 11 reactor animals. The person concerned became eligible for income supplement in October 2005. Income supplement for October, December and January has been paid. Before processing November's payment my Department's local office is awaiting written clarification on the reason for a delay in a test which was due to be carried out in November. Income supplement due to be paid in February is currently being processed and should issue shortly. The herd was de-restricted following a clearance test of 4 February 2006.

Civil Service Travel Scheme.

160. **Ms Shortall** asked the Minister for Agriculture and Food if a closing date or dates are operated by her Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if she will make a statement on the matter. [4930/06]

Minister for Agriculture and Food (Mary Coughlan): My Department operates the Civil Service travel pass scheme as outlined in the Department of Finance circular 50/2001. In order to participate in the scheme an employee must be

employed on a permanent-probationary basis on the date of application. In addition employees employed under fixed term contract are eligible to join the scheme. The scheme currently operates on a 12 month basis in my Department from 1 January and 1 July each year. The closing date for applications to join this scheme is one month prior to the above dates in order to allow time for processing of applications.

Closed Circuit Television Systems.

161. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if planning for the installation of closed circuit television for Ennis has commenced; if the revised timetable for implementation of a closed circuit television system for Ennis by the end of 2006 still stands; if not, when he envisages a closed circuit television system operating in the town; and if he will make a statement on the matter. [4795/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 420 on Tuesday, 6 February 2006.

Human Trafficking.

162. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the safeguards he has put in place to prevent the trafficking of women and children into and through Ireland; his views on the ratification of the 2005 Council of Europe Convention on action against the trafficking of human beings; his plans with regard to enacting legislation to combat this trafficking as recommended by the UN Committee on the Elimination of Discrimination Against Women; and if he will make a statement on the matter. [4796/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to a question, reference number 4288/06, on 7 February, 2006.

Residency Permits.

163. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Westmeath has not had their green card renewed; and if he will make a statement on the matter. [4810/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applicant in question applied for permission to remain in Ireland on the basis of being the parent of an Irish-born child, born before 1 January 2005, under the revised arrangements announced by me on 15 January 2005. His application is currently being reviewed and I will notify the Deputy when the outcome of the review is known.

164. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if his Department has received correspondence from a person (details supplied) in County Westmeath; the steps he will take to have this matter dealt with without further delay; and if he will make a statement on the matter. [4811/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In view of the individual circumstances of this case, I have asked that the request for permission to remain be examined afresh. The immigration division of my Department will be in contact with the individual concerned in due course.

Registration of Title.

165. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if the land division solicitor at his Department dealing with land commission sales has completed the queries that have been raised in relation to vesting of lands for a person (details supplied) in County Westmeath in respect of which documents necessary for the registration were lodged in the Land Registry Office on 17 December 1999 have been dealt with and completed; the steps he will take to have this matter expedited; and if he will make a statement on the matter. [4812/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand the Land Registry has advised the Deputy of the current position regarding the application in question and that the key issue appears to be a matter for the Department of Agriculture and Food.

Garda Training.

166. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí appointed to the Traffic Corps in the past 12 months who are untrained Garda drivers and are driving on chief’s permission; the number of gardaí who are driving Garda cars generally and only have chief’s permission; and the additional resources which will be provided to the driving school to ensure that all of those who are officially driving Garda cars have completed the Garda driving course. [4816/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí appointed to the Traffic Corps in the past 12 months who are driving on chief superintendent’s permission in each region as at 7 February, 2006 was as set out in the table hereunder:

Region	Number
D.M.R	10
South Eastern	0
Eastern	3
Northern	1
Western	1
Southern	2

I have been further informed by the Garda authorities that, the number of gardaí who are driving Garda cars generally and have chief superintendent’s permission, in each region, as at 7 February 2006 was as set out in the table hereunder:

Region	Number
D.M.R	836
South Eastern	201
Eastern	226
Northern	252
Western	132
Southern	366
Total	2,013

Garda management states that the staffing levels of the Garda driving and training school are currently being examined, with a view to reducing the number of personnel driving on chief’s permission.

Garda Personnel.

167. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí who claimed back fees for third level courses over the past five years; the number of same who have left the Garda force; and if any of them were made to pay back the refund of fees to the State. [4817/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of gardaí who claimed back fees for third level courses over the last five years was as set out hereunder:

Year Fees Refunded	Academic Year	Number
2005	2004/2005	136
2004	2003/2004	128
2003	2002/2003	176
2002	2001/2002	176
2001	2000/2001	183

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I have been further informed by the Garda authorities that no member has been requested to refund fees to the State. Garda management states that the information requested in relation to the number of members of the Garda Síochána who have left the force following a refund of third level fees is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

Crime Levels.

168. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the amount of cash stolen in robberies or otherwise during 2005; the amounts recovered; and the number of persons prosecuted arising therefrom. [4818/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret it has not been possible in the time available to obtain the information requested by the Deputy. I will be in contact again with the Deputy in relation to this matter when it becomes available.

Citizenship Applications.

169. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Mayo will be approved for Irish citizenship on the basis of their marriage here. [4827/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of Irish citizenship as post-nuptial citizenship was received in the citizenship section of my Department on 19 November 2005 from the person referred to in the Deputy’s question.

The statutory provisions providing for the process of post-nuptial citizenship were repealed in the Irish Nationality and Citizenship Act 2001. This change came into effect on 30 November 2002. A transition provision contained in that Act provided that persons who married Irish citizens prior to 30 November 2002 could make a declaration on or before 29 November 2005. In the period leading up to the closing of the transition period, the number of declarations received increased significantly with the result that there are now almost 8,000 such declarations awaiting consideration in this Department and the Department of Foreign Affairs. Declarations received from persons resident outside Ireland are processed by the Department of Foreign Affairs.

In the circumstances, it is not possible to say precisely when the declaration of the person concerned will be finalised. I will advise the Deputy and the applicant when processing of the declaration in question has been completed.

Road Traffic Offences.

170. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the way in which it is envisaged that the fixed charge processing system would operate and the way in which it can contribute to reducing the number of court appearances for gardaí. [4830/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As recently announced by the Minister for Transport, an additional 31 fixed charge-penalty points offences will be introduced from April next. Most of the penalty point offences to be commenced are currently dealt with by means of summons to the courts. From April, only those offences where payment of the fine is not made will lead to court proceedings, thus reducing the number of court appearances for gardaí.

The introduction of the Garda fixed charge processing system, together with the setting up of the Garda national processing office, NPO, also reduces the administrative involvement of the detecting garda. Once the alleged offence details are captured at the roadside, processing is automated and-or centralised in the NPO, thus freeing up the detecting garda for operational duties. The further involvement of the garda detecting the offence is limited to those fixed charge notices that are not paid within the requisite timeframe and accordingly become the subject of court proceedings.

Citizenship Applications.

171. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the status of a citizenship application for a person (details supplied) in County Roscommon; the delay in dealing with such applications; if the application will be expedited; and if he will make a statement on the matter. [4831/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 29 November 2005. The average processing time for such applications is 24 months at present. It is likely, therefore, that the case will be finalised in or around the end of 2007. I will be in touch with both the Deputy and the applicant when I have reached a decision in the matter.

Registration of Title.

172. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a dealing number by a person (details supplied) in County Galway;

and if he will make a statement on the matter.
[4834/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question. However, I am informed by the Registrar of Titles that there is no application currently pending on the folio concerned. I am further informed that if the Deputy supplies the Land Registry with additional information concerning the application referred to, a further search of its records can be made.

173. **Mr. Aylward** asked the Minister for Justice, Equality and Law Reform the progress to date in 2006 on a dealing that is with the Land Registry Office since 2002; and the reason for the delay in this particular case. [4891/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Decentralisation Programme.

174. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a person (details supplied) in County Kildare can relocate to Naas, Newbridge or other locations in County Kildare in the context of proposed decentralisation plans; and if he will make a statement on the matter. [4892/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that, under the Government's decentralisation programme, there are no plans to relocate any of the sections or agencies under the aegis of my Department to County Kildare.

Citizenship Applications.

175. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare is eligible for consideration for naturalisation notwithstanding his reply to Question No. 1186 of 25 January 2006; and if he will make a statement on the matter. [4893/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It will not be possible to determine if the person referred to is eligible for naturalisation until a fully completed application form, accompanied by the necessary supporting documentation, is received. I understand that an application form has already been sent to the Deputy to enable the person concerned make such an application.

Residency Permits.

176. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the status of the residency application in the case of a person (details supplied) in Dublin 6 who is likely to be imprisoned for the person's political beliefs and association with non-governmental organisations; and if he will make a statement on the matter. [4894/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 28 February 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by a letter dated 13 September 2005 that the Minister proposed to make a deportation order in respect of him. He was given the options to be exercised within 15 working days of making representations to the Minister setting out the reasons he should be allowed to remain temporarily in the State — leaving the State before an order is made or consenting to the making of a deportation order.

His case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

177. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the current and potential residency status in the case of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [4895/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 23 August 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by a letter dated 30 September 2005 that the Minister proposed to make a deportation order in respect of him. He was given the options to be exercised within 15 working days of making representations to the Minister setting out the reasons he should be allowed to remain temporarily in the State — leaving the State before an order is made or consenting to the making of a deportation order.

His case file, including all representations submitted, will be considered under section 3(6) of

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the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

Citizenship Applications.

178. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the procedure to be followed in the event of an application for naturalisation in the case of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [4896/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non-national applicant who is the spouse of an Irish national, those conditions are that the applicant must be of full age, be of good character, be married to the Irish citizen for at least three years, be in a marriage recognised under the laws of the State as subsisting, be living together as husband and wife with the Irish spouse, have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years, intend in good faith to continue to reside in the island of Ireland after naturalisation and have made, either before a judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In other cases the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain more rigorous statutory conditions are fulfilled. Those conditions are that the applicant must be of full age or by way of exception, be a minor born in the State, be of good character, have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years, intend in good faith to continue to reside in the State after naturalisation and have made, either before a judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

It should be noted that, in the context of naturalisation, certain periods of residence in the State are excluded. These include periods of resi-

dence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1996.

When an application for naturalisation is received, it is examined immediately to determine if the applicant meets the above mentioned statutory residency criteria. If the applicant fulfils the residency criteria, the application will then be considered in accordance with the other statutory requirements before being passed to me for a decision. At the moment, the average total processing time for such applications is 24 months.

An application form and some explanatory information has been posted to the person concerned. Further information may be obtained from my Department's website *www.justice.ie* or by telephoning the citizenship section helpline on Tuesdays or Thursdays between 10 a.m. to 12.30 p.m. at lo-call 1890 551 500 or 01 6167700.

Residency Permits.

179. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, notwithstanding his reply to Parliamentary Question No. 1188 of 25 January 2006 and in view of the serious evidence of a threat to a person's life and well being in the event of return to the person's homeland, he will further review or extend the period of residency in this case; and if he will make a statement on the matter. [4897/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As explained in my reply to Question No. 1188 on Wednesday, 25 January 2006, the circumstances of each case is individually considered with regard to section 5 of the Refugee Act 1996 — prohibition of *refoulement* before the making of a deportation order. The circumstances of the case referred to by the Deputy were fully examined and were found not to be such as to prevent the safe return of the person concerned.

Visa Applications.

180. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when a visa will issue a person (details supplied) in County Dublin in respect of their daughter in view of the fact that all requested documentation has already been submitted; and if he will make a statement on the matter. [4898/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application in respect of the person named by the Deputy was made in 2003, reference number 1258257. This visa application was refused on 1 October 2003 and the applicant's mother was notified of this decision by let-

ter the following day. There is no record of any recent application in respect of this person. It is open to the applicant to lodge a new application at this time and it will be examined fully by my visa officers.

Asylum Applications.

181. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if the period for appeal against the decision to the Office of the Refugee Applications will be extended in the case of a person (details supplied) in County Dublin whose legal adviser was unable to make appeal submission within the specified period; the reason, in this case, a transfer order issued requiring them to go to Belgium from whence they did not embark; if his attention has been drawn to the person's serious health condition and history of abuse in the Democratic Republic of Congo; if in the interest of their safety and well being a full examination of their case will be conducted in this jurisdiction; and if he will make a statement on the matter. [4899/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 149 on 26 January 2006 in which I explained in detail why this person is to be transferred to Belgium pursuant to the terms of the Dublin II Regulation, Council Regulation (EC) No 343/2003.

The person concerned presented to the Garda national immigration bureau on Monday 23 January 2006, as previously requested, and was given a representation date of Monday, 6 February 2006. She failed to keep this appointment and is now classed as having evaded her transfer. Consequently, she is now liable to arrest and detention and is currently being sought by the Garda national immigration bureau for removal. I urge the person to make herself known to gardaí immediately and her transfer will be dealt with in a sympathetic way with full details of her medical needs being made known to the Belgian authorities.

Prison Staff.

182. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the reason prison officers must complete a number of overtime hours every quarter; if this complies with the working time directive; and if he will make a statement on the matter. [4914/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have reversed the unacceptable trend of spiralling overtime costs which has been a feature of our prisons operations for many years. As a result of my determination to tackle this unsustainable dependence on overtime to run our prisons there was a reduction

in the overtime bill of some €13.4 million in 2004 compared to 2003.

Attendance over and above the standard working week is a common requirement in large organisations and will continue to be necessary to run the Prison Service in the future. However, the Deputy will be aware of my determination to address the high level of overtime working in the service and in that context a new approach to extra attendance by prison staff has had to be put in place.

In August last year, prisons staff voted by a substantial majority to accept the revised proposal for organisational change in the Irish Prison Service. A central element of the new working arrangements in the agreement, the third and final phase of which will be rolled out in all prisons and places of detention on 11 February 2006, is the introduction of a new additional hours system. This system, which is based on the concept of annualised hours, will see the elimination of overtime working by prison staff. The target savings in a full year of the new system is €25 million.

A key feature of the system is that staff contract to work a fixed number of additional hours in the quarter and they are paid for these whether or not they actually have to work the hours. This approach encourages smart working thereby reducing the need for extra attendance. This generates benefits for both staff and management. Management will have staff available when they are needed most while staff will have predictable attendance patterns and earnings. The net effect of the new system will be to reduce by more than half the number of hours worked by staff over and above the normal working week.

The agreed arrangements for extra attendance are in compliance with the terms of the working time directive and represent a major improvement in that respect from the former overtime arrangements which have applied in the Prison Service until now.

Civil Service Travel Scheme.

183. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4931/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department's travel pass scheme operates in accordance with the scheme centrally approved for the civil service. The scheme operates on a calendar year basis from January to December. Details of the scheme are usually circulated in mid-October with a closing

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date for receipt of applications by early November. This is to allow sufficient time for the necessary paperwork to be processed within the Department and for applications to be forwarded to the relevant transport provider by the end of November. The aim is to ensure that tickets can be issued prior to the end of year holidays.

There is also provision for staff to join after 1 January, normally new entrants. In such cases applications are facilitated in so far as possible having regard to any terms and conditions that may be applied by the service providers.

Garda Deployment.

184. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if he intends to provide additional Garda manpower resources to the Wexford district; and if he will make a statement on the matter. [4942/06]

185. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when the appointment of a Garda sergeant to fill the position of that rank vacant since July 2005 in Wexford town will be made; and if he will make a statement on the matter. [4943/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 184 and 185 together.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of all ranks of the Wexford district as at 8 February 2006 was 90. I have been further informed by the Garda authorities that the first incremental increase of newly attested gardaí due to the programme of accelerated recruitment into the Garda Síochána will take place on 16 March 2006.

The allocation of Garda resources is a matter for the Garda Commissioner. In this regard the Commissioner takes into account a number of factors including population, crime trends and the operational policing needs of each division. Garda management states that during the allocation of the newly attested personnel, in March, the needs of the Wexford district will be fully considered within the overall context of the needs of Garda districts throughout the country.

It is the responsibility of the divisional officer for the Wicklow-Wexford division to allocate personnel within the division. I am advised that every effort is made to fill vacancies that arise as a result of retirements and promotions in conjunction with the allocation of newly attested gardaí and newly promoted personnel. Garda management will continue to appraise the policing and administrative strategy employed in

the Wicklow-Wexford division with a view to ensuring an effective Garda service is maintained.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. As part of the accelerated recruitment campaign to facilitate this process, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct 1,100 recruits this year and a further 1,100 in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. This project is fully on target and will be achieved.

Liquor Licensing Law Offences.

186. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the number of prosecutions which have been taken for the sale of alcohol to minors under the Intoxicating Liquor Acts in each of the years since the coming into force of the Intoxicating Liquor Act 2000; and the breakdown by county, number of prosecutions, number of convictions, number of cases pending, number of cases dismissed or struck out, number of closure orders and number of closure orders under appeal. [4944/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret it has not been possible in the time available to obtain the information requested by the Deputy. I will be in contact with the Deputy in relation to this matter when it becomes available.

School Refurbishment.

187. **Mr. McCormack** asked the Minister for Education and Science the position regarding the application for extension for a school (details supplied) in County Galway; if the refurbishment programme for this school is in band one; when they will get approval for the proposed reconstruction work; and if she will make a statement on the matter. [4764/06]

Minister for Education and Science (Ms Hanafin): Assessment of the accommodation needs of this school and others in the general area is under way in my Department. A decision will be made shortly on the school's long-term requirements and these will be catered for. The project is being considered in the context of the school building and modernisation programme 2006-10.

Special Educational Needs.

188. **Mr. Penrose** asked the Minister for Education and Science if a person (details supplied) in County Westmeath who is attending speech and language therapy at their current school and who has to leave the said school, will be facilitated in one of the schools in or around the vicinity of Mullingar; if same will be examined in order to allow them to enrol in such schools in September 2006; and if she will make a statement on the matter. [4809/06]

Minister for Education and Science (Ms Hanafin): The pupil in question is currently enrolled in a special class for children with specific speech and language difficulties in the school referred to by the Deputy. My officials have been in contact with the National Council for Special Education, NCSE, whose local special educational needs organiser has advised that the enrolment meeting for this class will not take place until the end of April or early May. This meeting will determine whether this pupil is eligible to return to the class next September. If the pupil is not eligible to do so, the pupil may be accommodated in an alternative special class for children with speech and language difficulties in another school in the Mullingar area. This however, would be subject to the pupil meeting the necessary criteria and also the availability of a place in the class. The special educational needs organiser has advised that the admission meeting for both classes usually takes place on the same day.

School Transport.

189. **Mr. Kehoe** asked the Minister for Education and Science further to the new information that has come to light surrounding the catchment area map following the freedom of information request by persons (details supplied) in County Wexford, if her position on the matter will altered; and if she will make a statement on the matter. [4823/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department is satisfied on the basis of the catchment area map held in the Department, which is the definitive map, that the students in question are not fully eligible for transport to schools in Wexford town. The decision taken on transport provision was appealed to the school transport appeals board and the board upheld that decision.

The school transport appeals board is independent of my Department and it would not be appropriate for me to intervene in cases which have been considered by the board. I understand that further clarification has been forwarded by the school planning section of my Department to

the person referred to in the details supplied regarding the catchment area map.

190. **Mr. Naughten** asked the Minister for Education and Science if a meeting will be held with a group of parents (details supplied) regarding a school transport issue in County Roscommon; if a report has been received from the TLO following a meeting with parents; the recommendations outlined in the report; and if she will make a statement on the matter. [4832/06]

Minister of State at the Department of Education and Science (Miss de Valera): The report requested from the relevant transport liaison officer, outlining the up to date position on the transport service concerned, including the outcome of his recent meeting with a group of concerned parents, was received in my Department yesterday.

When this report has been fully considered, my Department will contact the Deputy directly to outline the position and also to confirm whether it is considered that a further meeting with parents would be useful to clarify matters.

All-Irish Schools.

191. **Mr. O'Shea** asked the Minister for Education and Science the number of gaelscoileanna and gaelcoláistí here; and the number of pupils enrolled in each type. [4851/06]

Minister for Education and Science (Ms Hanafin): In the 2004-05 school year, there were 129 gaelscoileanna with 23,985 pupils. There were also 20 gaelcoláistí with 5,009 pupils. Note that these figures refer to all-Irish schools and pupils located outside the Gaeltacht areas.

Special Educational Needs.

192. **Mr. O'Shea** asked the Minister for Education and Science the number of special needs pupils in gaelscoileanna. [4852/06]

Minister for Education and Science (Ms Hanafin): My Department does not hold records of the numbers of pupils with special educational needs in schools. These records are retained by the individual schools. The National Council for Special Education, NCSE, is responsible for the allocation of additional teaching supports and special needs assistant supports to children with special educational needs, SEN. The NCSE is in the process of developing systems which would result in comprehensive data on children with SEN in our schools being available in the future.

193. **Mr. O'Shea** asked the Minister for Education and Science the number of pupils availing of learning support teachers in gaelscoileanna. [4853/06]

Minister for Education and Science (Ms Hanafin): My Department does not hold records of the numbers of pupils availing of learning support teaching in schools. These records are retained by the individual schools. All primary schools, including gaelscoileanna, have a general allocation of learning support and resource teachers, based on the number of pupils enrolled on a certain date, to enable them to cater for pupils with learning support needs. It is a matter for each school to identify the pupils that require this support in the context of the criteria outlined in Department circulars.

All-Irish Schools.

194. **Mr. O'Shea** asked the Minister for Education and Science the number of principal, assistant, resource special needs and learning support teachers in gaelscoileanna. [4854/06]

Minister for Education and Science (Ms Hanafin): There are currently 124 principal teachers, 903 teachers, 30 resource teachers, including resource teachers for Travellers, and 161 learning support and resource teachers based in gaelscoileanna. In addition, gaelscoileanna have the service of two home school community liaison teachers and one support teacher. Posts allocated to gaelscoileanna due to disadvantaged status or under the Giving Children an Even Break programme are included in the figure above for teachers.

The Deputy should note that the figures for resource and learning support resource teachers refer to posts based in gaelscoileanna and that these posts may be shared with other schools. Likewise, the figures do not include teachers based in other schools who also work in gaelscoileanna.

Special Educational Needs.

195. **Mr. O'Shea** asked the Minister for Education and Science the number of special needs assistants in gaelscoileanna. [4855/06]

Minister for Education and Science (Ms Hanafin): The number of whole-time equivalent special needs assistants being paid on my Department's payroll and employed in gaelscoileanna is 130.00 at primary level and 11.78 at secondary level.

Irish Language Exemption.

196. **Mr. O'Shea** asked the Minister for Education and Science the circumstances in which a child attending a primary school who has been diagnosed with ADHD and granted an exemption from the study of Irish in accordance with the terms of circular 12/96 by the school can have that exemption withdrawn by her Department;

and if she will make a statement on the matter. [4856/06]

Minister for Education and Science (Ms Hanafin): As part of the primary school curriculum Irish is a compulsory subject. Exemption from the study of Irish may, however, be granted to primary pupils under certain circumstances outlined in Department circular 12/96. Under the terms of the circular delegated authority to grant exemptions from Irish, within the conditions laid down, has been vested in the individual school authority. There is no provision in the circular for the automatic granting of exemptions to pupils suffering from ADHD.

One of the conditions set down in circular 12/96 is that an application for exemption on the grounds of a learning disability must be accompanied by a full psychological assessment of the pupil carried out by a qualified psychologist not more than two years prior to the date of application. With regard to the specific case referred to by the Deputy, the psychological assessment submitted was outside the stipulated time period and accordingly was returned to the school for submission of an up-to-date assessment. To date an updated psychological assessment has not been received by my Department in respect of the pupil in question. Should such an assessment be submitted, the application for exemption will be processed without delay.

197. **Mr. O'Shea** asked the Minister for Education and Science the number of primary school pupils from abroad who had no understanding of English when enrolled who are required to study Irish only in accordance with the terms of circular 12/96; and if she will make a statement on the matter. [4857/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not available in my Department. If the Deputy has a particular case in mind, my Department will be glad to look into the matter on receipt of the relevant details.

Special Educational Needs.

198. **Mr. O'Shea** asked the Minister for Education and Science her views on the situation whereby Irish language learning support teachers are not appointed to gaelscoileanna bearing in mind that it can discourage parents from enrolling or retaining pupils in gaelscoileanna; and if she will make a statement on the matter. [4858/06]

Minister for Education and Science (Ms Hanafin): Under the terms of circular Sp Ed 02/05, only fully recognised and probated primary teachers should be employed for any vacancies arising for learning support and resource teach-

ing, LS and RT, posts. The employment of a teacher is a matter for the board of management of a particular school. Where a teacher is employed to deliver a particular service, it is a function of the board to ensure that such a service is delivered.

Adult Education.

199. **Ms O. Mitchell** asked the Minister for Education and Science if the required changes will be made to the structures in the further education and post leaving certificate schools; and if they will be given the resources necessary to fulfil their important role in the education system. [4859/06]

200. **Ms O. Mitchell** asked the Minister for Education and Science her views on including the further education and post leaving certificate schools in the same administrative and funding structures as the secondary schools which does not serve the real needs of those attending fee type courses. [4860/06]

Minister of State at the Department of Education and Science (Miss de Valera): I propose to take Questions Nos. 199 and 200 together.

This Government believes strongly in the value of this sector and will continue to prioritise it for resources and supports in the years ahead. Improving participation and achievement at every level of education is a key priority. We have put the resources and supports in place to ensure a wide range of course options is available in the further and higher education sectors for young people who wish to continue their studies after second level and for people returning to education later in life.

The principal objectives of the measures and programmes funded by my Department in adult and further education are to meet the needs of young early school leavers, to provide second chance education for adults and to provide vocational education and training for labour market entrants and re-entrants. A range of measures is available to ensure these objectives, including Youthreach, senior Traveller training centres, the vocational training opportunities scheme, post leaving certificate courses and part-time initiatives such as the back to education initiative and the adult literacy and community education schemes. These programmes are funded by my Department and are operated and managed primarily by the Vocational Education Committees throughout the country.

Further education is expanding. In the literacy sector, adult literacy client numbers have increased from 5,000 in 1997 to approximately 34,000 in 2005. Post leaving certificate, PLC, courses represent another option which is available within the further education suite. The

Government's support for this hugely important sector is clear from the fact that we have increased the number of PLC places by 60% since 1996-1997. The number of PLC places approved for 2005-2006 is up by more than 1,600 on the 2004-2005 level. The number of approved places in the sector now stands at 30,188.

Government support for the sector is evident not only in the expansion of approved places and teachers, but also in the introduction of maintenance grants for students with effect from September 1998. Tuition fees for PLC courses are waived. The PLC maintenance grant scheme operates on the same basis as in higher education. The figure for PLC grant holders in 2005 is approximately 8,000 and they will receive approximately €23 million in direct support.

The 2006 Estimates include provision for the cost of the extra 100 teaching posts being provided for the post leaving certificate courses in the current academic year. They also provide for an increase of 19% in the VTOS non-pay grant in 2006. PLC students are included in the calculation of non-pay budgets issued to schools in respect of running costs. A supplemental non-pay grant towards running costs specifically for PLC schools is also payable. This will amount to €5.5 million in 2005.

Other developments funded by my Department of direct benefit to the PLC sector include the provision of national certification under the Further Education and Training Awards Council and the development of progression links with higher education in the institutes of technology. The McIver report contains 21 over-arching recommendations, incorporating 91 sub-recommendations. Having regard to the number and scope of the recommendations in the report, extensive consultations have been held with management and staff interests with regard to such issues as the prioritisation of recommendations, the structural changes envisaged in the report, their implications and associated costs in the context of the overall provision of resources for further and adult education. Active consideration is given to all the issues involved. While this work is ongoing, extra investment has been provided in the 2006 Estimates to develop the further education sector and to improve supports for other aspects of further and adult education.

Schools Building Projects.

201. **Ms O. Mitchell** asked the Minister for Education and Science the delays in finalising the purchase of land for a school (details supplied); and the steps she will take to speed up this process. [4861/06]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works which acts on behalf

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of my Department on site acquisitions generally was requested to acquire a site on behalf of my Department. A site has been identified for the provision of a new school referred to by the Deputy. Contract details are being finalised by OPW and it is at late conveyancing. I am pleased to advise the Deputy that the school in question was one of the 62 projects announced by me in January last. My Department will appoint a design team to the project as soon as the acquisition is complete.

202. **Mr. McHugh** asked the Minister for Education and Science if additional funding will be allocated to a school (details supplied) in County Galway. [4862/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €300,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

The intention of the scheme is to provide funding to schools to enable them to undertake wanted building projects. The scheme is not intended to leave schools with significant fundraising needs but for the school to tailor the scope of capital works commissioned to the available funding. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority.

An appeal for additional funding by the school in question will be considered by the appeals' board and the school will be notified of their decision in due course.

203. **Mr. McHugh** asked the Minister for Education and Science if additional funding will be allocated to a school (details supplied) in County Galway in order to finalise a partially completed project; and if she will make a statement on the matter. [4863/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant was sanctioned to enable the management authorities of the school in question to extend and refurbish the school. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

The intention of the scheme is to provide funding to schools to enable them to undertake wanted building projects. The scheme is not intended to leave schools with significant fundraising needs but for the school to tailor the scope of capital works commissioned to the available funding. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority.

An appeal for additional funding from the school in question was considered recently by the appeals' board and it has been approved for additional funding.

Third Level Funding.

204. **Mr. Boyle** asked the Minister for Education and Science the options that are being pursued in relation to the development of a college (details supplied) in County Cork; if development of the architecturally important building at Sharman Crawford Street will be pursued or if it will be relocated to a new greenfield site. [4879/06]

Minister for Education and Science (Ms Hanafin): I recently announced the provision of a €900 million multi-annual capital programme for the period 2006 to 2010 for the third level sector. Funding for the institution referred to by the Deputy is included in this announcement. Officials from my Department will be meeting with the institution concerned shortly to explore the options available to progress this project.

Schools Refurbishment.

205. **Mr. Bruton** asked the Minister for Education and Science the value of improvement works to science facilities which have been approved for assistance under the summer work scheme 2006 programme and the number of schools assisted; if an order of priority was made; the number of positions beneath the cut off point for a school (details supplied) in Dublin 3; and the options available to the school which now fears it may have to close the laboratories on health and safety grounds from 1 September 2006. [4880/06]

Minister for Education and Science (Ms Hanafin): Included in this years summer works scheme projects is the provision or refurbishment of science labs in 24 post primary schools at an estimated total cost of €5.7 million. The refurbishment projects applied for under the summer works scheme by the school in question were not deemed suitable under this scheme owing to the extent of works required. The school planning section of my Department will be writing to the school authorities shortly advising them of the

options available for addressing the required works.

School Accommodation.

206. **Mr. Durkan** asked the Minister for Education and Science her most recent plans to meet targets in respect of the provision of primary and post primary educational facilities, including school placements at Naas, County Kildare, with particular reference to the need to meet precise targets as set out by the various school authorities; the progress which has taken place in regard to these matters in recent times; and if she will make a statement on the matter. [4881/06]

Minister for Education and Science (Ms Hanafin): I am aware that Naas, like many areas located within close proximity to Dublin, continues to experience population growth, a position that almost inevitably places some strain on existing educational provision. I am pleased to inform the Deputy that a range of significant measures has been undertaken by my Department to address the current and future need for pupil places in the area.

In the Naas locality, at primary level, an entire new school has been provided at Killashee while temporary accommodation has been provided at Scoil Corbain, St. Conleth's and St. Mary's national school and St. Conleth's Naofa. Temporary accommodation has also been approved at Caragh national school, Gaelscoil Nás na Ríogh and Scoil Naomh Brighde.

A brand new state of the art 16 classroom school together with a double autistic unit was also opened last September in Naas town. This project, in particular, will assist in easing any difficulties for primary pupil places that may exist in Naas. A brand new state of the art 16 classroom school is planned for Gaelscoil Nás na Ríogh. This project has been approved to commence architectural planning this year. Additionally, there are proposals to improve accommodation at St. David's national school and Two Mile House national school. The long-term accommodation needs of the national schools at Ballycane, Caragh and the Convent of Mercy are also currently being assessed.

At post primary level, the management authority of St. Patrick's post primary school, County Kildare VEC, is currently progressing plans to relocate the school and extend capacity to 1,000 pupil places. Additionally, an extension project is under construction at St. Mary's College, which will increase capacity at the school to 900 pupils. A similar extension is under construction at Meánscoil Iognáid Rís and a further extension at the school is currently in architectural planning.

All of these initiatives represent huge capital investment and demonstrate my commitment to meeting the needs of the area concerned. The

school planning section of my Department will keep the position under review going forward to ensure that any additional emerging needs are met as expeditiously as possible.

207. **Mr. Durkan** asked the Minister for Education and Science if recent discussions have been held with the authorities at a school (details supplied) in County Kildare with a view to expediting the process in regard to the provision of the extra facilities required at the school; the extent to which it has been possible to meet such requirements at an early date; and if she will make a statement on the matter. [4882/06]

Minister for Education and Science (Ms Hanafin): I visited the school on Friday last and had a brief discussion regarding the building project with the school. My Department's officials are currently reviewing the stage three documentation, detailed plans-costs. This will be completed shortly and my officials will then be in further contact with the school authorities with regard to the next steps involved in progressing this project. Progression of projects to construction will be considered in the context of the school building and modernisation programme 2005 to 2009.

208. **Mr. Durkan** asked the Minister for Education and Science the progress which has taken place in the matter of the provision of the urgently required extra facilities at a school (details supplied) in County Kildare; if officials of her Department have been or are likely to be in contact with the school authorities in regard to the drawing up of plans and priorities; and if she will make a statement on the matter. [4883/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school to which he refers was included in my recent announcement of 62 large scale building projects countrywide which have been approved to progress under the school building and modernisation programme. These will be progressed by way of the appointment of a design team under my Department's capital programme for 2006. The building section of my Department will be providing information to the schools concerned shortly on how their projects will be advanced on foot of this announcement.

Third Level Education.

209. **Mr. Durkan** asked the Minister for Education and Science if, notwithstanding her reply to Question No. 1261 of 25 January 2006, the person in question is precluded by virtue of regulations for third level education or on the basis of their non-nationality; and if she will make a statement on the matter. [4885/06]

Minister for Education and Science (Ms Hanafin): The actual admission of students to higher education institutions is a matter for the individual institutions and the Central Applications Office. Under the terms of my Department's free fees initiative students must be first-time undergraduates and hold EU nationality or official refugee status and have been ordinarily resident in an EU member state for at least three of the five years preceding entry to an approved third level course in order to be eligible for free tuition fees. I emphasise the distinction between the criteria used to determine eligibility under the free fees initiative and the criteria by which individual colleges establish the rate of tuition fee to be charged in cases where a student does not qualify for free fees. The universities are autonomous bodies and, as such, may determine the level of fees to be charged in any case where the free fees Initiative does not apply.

Grant Payments.

210. **Ms Lynch** asked the Minister for Education and Science the reason grant aid has been withdrawn from the Feis Maitiú, Cork; her views on whether the féis which celebrates its 80th anniversary this year has been a huge benefit to generations of Cork children and its ending would be very damaging to the artistic and musical life of the community; and if she will make a statement on the matter. [4911/06]

Minister for Education and Science (Ms Hanafin): I am pleased to confirm that I have approved funding of €44,500 for Feis Maitiú in 2006.

Civil Service Travel Scheme.

211. **Ms Shortall** asked the Minister for Education and Science if a closing date or dates are operated by her Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if she will make a statement on the matter. [4932/06]

Minister for Education and Science (Ms Hanafin): Closing dates are operated by my Department in respect of the Civil Service travel pass scheme. The dates in question are 30 November for travel passes commencing on the following 1 January, and in respect of passes to commence on the first of any month other than January, the 18th of the month immediately prior to the intended commencement date. The scheme operates on the basis of an annual option. Permanent staff and staff employed under fixed term contracts are eligible to apply.

Special Educational Needs.

212. **Ms C. Murphy** asked the Minister for Education and Science if her Department obtains information from the Health Service Executive or other State Department or body with regard to the numbers of children born or later diagnosed with special needs each year with a view to planning for the educational needs of those children; and if she will make a statement on the matter. [4949/06]

Minister for Education and Science (Ms Hanafin): The provision of appropriate special educational services for children with special educational needs is the responsibility of the National Council for Special Education, NCSE. Under section 41 of the Education for Persons with Special Educational Needs Act 2004, the NCSE is obliged to keep and maintain records for the purpose of identifying persons to whom special educational and support services are being provided, identifying schools and other places where such services are provided to persons with special educational needs and planning the provision of special educational and support services.

Furthermore, under subsection 2 of this section the NCSE is obliged to the greatest extent practicable, to co-ordinate its system of record-keeping with the systems of record-keeping maintained by health boards and any other relevant public bodies.

Departmental Properties.

213. **Mr. Stanton** asked the Minister for Defence the interest his Department has in Spike Island; if his Department holds or leases any part of Spike Island; and if he will make a statement on the matter. [4829/06]

Minister for Defence (Mr. O'Dea): Spike Island, County Cork, which had been under the administration of the Department of Justice, Equality and Law Reform since 1985, was formally transferred to that Department in 2002. My Department has no current interest in Spike Island.

Civil Service Travel Scheme.

214. **Ms Shortall** asked the Minister for Defence if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4933/06]

Minister for Defence (Mr. O'Dea): The closing date in respect of the 2006 Civil Service travel pass scheme was 23 November 2005. A condition of the scheme is that employees must be

employed on a permanent or probationary basis at the date of application. An employee employed under a fixed term contract is also eligible to apply. It is a condition of the Revenue Commissioners that the scheme operates on the basis of an annual option. Accordingly, the employee will not be able to cancel his or her participation in the scheme prior to the expiry of the one-year period. In the event that employees join the Department after the closing date, they are accommodated in the purchase of a yearly ticket.

EU Directives.

215. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government what has been signed into law in the regulations that give legal effect to the nitrates action programme; the position regarding the deferral of part three; his plans to change the directive in view of its impact on productive farming here; if he has met with the Irish Farmers Association in this regard; if so, the outcome of the meetings; and his plans to go back to Europe to try and get this directive changed. [4769/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All EU member states are required to adopt nitrates action programmes, including appropriate mandatory regulatory provisions, in order to give effect to the nitrates directive. The purpose of these regimes is to protect surface and groundwaters against pollution from agriculture by prescribing appropriate standards of environmental management for farming. Other EU measures in support of farming, notably the new arrangements for the single farm payment, have been linked to the implementation of nitrates action programmes.

In most EU member states, agriculture accounts for the bulk of nitrate and phosphorus nutrient losses to the environment. In Ireland, some 72% of all phosphorus and 83% of all nitrate inputs to waters are attributable to agriculture. Satisfactory control and reduction of these agricultural inputs is essential to redress known environmental problems affecting Ireland in respect of surface and groundwater quality.

It is not open to Ireland, nor would it be in the interests of farmers generally, to seek to change the nitrates directive. In 2004, the European Court of Justice held Ireland to be in breach of the nitrates directive by failing to implement a nitrates action programme. Arising from this situation, and to secure the best possible arrangements for farmers, including protection of EU farm payments and a derogation on the directive's nitrogen limit, as well as compliance with the directive and avoidance of the imposition of daily fines, the Government has negotiated intensively with the European Commission

to conclude our nitrates action programme. Many concessions and flexibilities have been won for Irish farmers through this engagement. Following agreement of the nitrates action programme with the Commission, further negotiations are being pursued — of vital interest in particular to thousands of dairy farmers — in order to achieve a derogation to 250 kg from the 170 kg organic nitrogen limit of the directive.

Following extensive consultations also with farming and other interests, I made the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2005 on 11 December 2005. Both prior to and since the making of the regulations, I have met representatives of the Irish Farmers Association and of other farming interests.

The regulations are designed to strengthen the protection of waters against pollution from agricultural sources, primarily through the management of livestock manures and other fertilisers. They implement the nitrates directive and a number of other EU directives in respect of the protection of water quality. In particular, they provide for compliance by Ireland with the terms of the judgment of the European Court of Justice delivered in March 2004 which held that Ireland was non-compliant with the nitrates directive.

The regulations generally came into effect on a phased basis from 1 February 2006 and provide for a range of measures to strengthen the application of good agricultural practice countrywide. These measures include: the timing and procedures for the land application of fertilisers; requirements on the capacity of storage vessels for livestock manure; general provisions on storage management; and the monitoring of the effectiveness of such measures.

Part 3 of the regulations deals with nutrient management planning and is based on long-standing Teagasc advice. Teagasc has recently indicated that it may be possible to review part of this advice on the application of phosphorus in a way which could improve the effectiveness of the regulations. The Government and the European Commission saw merit in allowing Teagasc to elaborate this new advice and accordingly, I have announced a brief *de facto* deferral of the implementation of Part 3 of the regulations.

Teagasc have been requested to provide, as a matter of urgency, the necessary scientific case to support any revision of the phosphorus tables in the regulations. My Department and the Department of Agriculture and Food will carefully consider any submission received from Teagasc while also bearing in mind that any proposals for revision of the phosphorus tables will have to respect the environmental requirements associated with the nitrates directive and will have to meet with the agreement of the European Commission. The Government's approach at all stages has been to identify efficient and least-cost sol-

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utions to implementing the environmental requirements of the nitrates directive. Advice and assistance is being made available to all farmers to facilitate them in adapting to the new regime; this includes a proposed new system of grants and new tax reliefs now being introduced.

Higher environmental standards have been promoted at EU and member state levels across a range of economic sectors: business, industry, energy as well as agriculture. While these require adaptation by the sectors concerned, they are designed to support and not diminish longer term competitiveness. I am confident that the transition to the new nitrates regime, which is necessary, will be achieved on a basis fully compatible with viable and progressive farming into the future.

Fire Stations.

216. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 557 of 31 January 2006, if the tender process has been completed in relation to a project (details supplied) in County Mayo; the people who have been approved; and when the building will commence. [4770/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): My Department has recently sanctioned a proposal from Mayo County Council to accept a tender for the construction of a combined fire station and coast guard centre at Achill Sound, County Mayo. I understand that a formal contract has not yet been entered into between Mayo County Council and the preferred bidder and it would not therefore be appropriate to identify the prospective contractor at this stage. The commencement date for the project will be a matter for agreement between the contracting parties.

Waste Management.

217. **Mr. O’Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to have a standardised waiver system in regard to refuse charges for all local authorities here; and if he will make a statement on the matter. [4782/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The determination of waste management charges is statutorily a matter for the relevant local authority, where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges.

With regard to any waiver arrangements in respect of these charges, it is a matter for the local

authority concerned to determine the nature and extent of any such scheme in the case of services provided by itself. Generally speaking, waiver schemes do not operate in respect of privately supplied collection services.

Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal framework as determined by the Oireachtas reflects this. I do not consider it appropriate to propose a departure from these existing statutory provisions, which reflect the local nature of waste management services, by introducing a general waiver scheme for all local authorities.

However, in order to assist households with lower incomes, I have asked local authorities to engage with commercial waste collectors with a view to agreeing on a scheduling of payments, that is, a pay-as-you-go system, rather than a periodic lump sum payment. I am also giving consideration to the overall regulation of the waste management sector including whether, and to what extent, there might be a need to identify public service obligations appropriate to service providers.

Noise Pollution.

218. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the legislation which is in place to facilitate the investigation by local authorities into complaints regarding noise pollution emanating from private residences. [4783/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise.

Furthermore, under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation.

Noise nuisance and other problems caused by local authority tenants are also covered under legislation. The tenancy agreement, which is the legal basis of the relationship between the local authority and its tenants, will generally contain provisions in relation to the type of behaviour that is acceptable, and that which is not. The local authority is empowered under section 62 of the Housing Act 1966 to initiate proceedings to secure an eviction where a tenant has breached the conditions of the tenancy agreement.

Local Authority Funding.

219. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government

the amount levied in development charges in the various local authorities in 2005; and if he will make a statement on the matter. [4784/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department will shortly compile planning statistics from local authorities for the year 2005, including income generated from development contributions. As soon as they are available, the 2005 statistics will be published and a copy will be sent to the Oireachtas Library.

Local Authority Housing.

220. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the progress of his Department's discussions with the financial institutions regarding the remortgaging of houses purchased under the affordable housing scheme; when he expects to have in place a standardised arrangement with the financial institution in relation to the clawback provision of the scheme; and if he will make a statement on the matter. [4791/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Standardised arrangements are currently in place with two of the main financial institutions who have introduced schemes of mortgage financing for persons wishing to access affordable housing. These arrangements relate only to the first time purchase of affordable properties.

The question of facilitating arrangements for persons in affordable housing also wishing to remortgage with private lenders has been the subject of discussions between my Department and a number of the financial institutions. While these have not yet concluded, my Department will continue to engage with the financial institutions with a view to advancing progress on the matter.

Planning Issues.

221. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the guidelines pertaining to quarries carrying out blastings; and if he will provide a copy of the guidelines and regulations regarding this issue. [4798/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's guidelines for planning authorities on quarries and ancillary activities, published in April 2004, are available on our website at www.enviro.ie. I should point out, however, that the guidelines are not intended to deal with health and safety issues associated with blasting, such as flyrock, as these are the responsibility of the Health and Safety Authority. The guidelines state, however, that it is vital that quarry owners and operators comply with health and safety codes and with any recommendations for safety

made by Health and Safety Authority inspectors. The Health and Safety Act 1989, and the related regulations on quarry operations, are designed to protect those working in quarries, those visiting quarries, and members of the public in the immediate vicinity of quarries, who could be endangered by the operation of quarries.

Motor Taxation.

222. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government the number of vehicles registered for motor tax in 2000, 2004 and 2005. [4828/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The total number of vehicles registered for motor tax, that is, currently taxed at 31 December in the years in question were 1,682,221 in 2000; 2,036,307 in 2004 and 2,138,680 in 2005.

Road Safety.

223. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of a pilot programme to provide additional funding to local authorities to improve road markings on regional roads; the allocation made to each local authority under this scheme; and if he will make a statement on the matter. [4833/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Specific grants are not provided to local authorities for road markings on regional roads. However, my Department introduced a five-year regional road signposting programme in 2003 with the aim of providing directional signposts on all significant junctions on all regional roads in county council areas.

In 2006, a sum of €6.64 million has been allocated to county councils under the regional road signposting programme. Details of allocations to individual county councils under the programme in 2006 are set out in the following table.

Local authorities may also use discretionary improvement and block grants provided by my Department towards the cost of providing road markings as well as or instead of signposting on non-national roads. In 2006, the discretionary improvement grant allocation to county councils is €24,270,000 and the block grant allocation to city, borough and town councils is €15,510,000.

Table 1: Regional roads signposting programme

County Council	2006 Allocation
	€
Carlow	50,000
Cavan	50,000
Clare	700,000
Cork	800,000

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County Council	2006 Allocation
	€
Donegal	800,000
Dún Laoghaire Rathdown	50,000
Fingal	50,000
Galway	670,000
Kildare	50,000
Kilkenny	50,000
Laois	50,000
Leitrim	400,000
Limerick	400,000
Longford	50,000
Louth	50,000
Mayo	400,000
Meath	50,000
Monaghan	50,000
North Tipperary	50,000
Offaly	50,000
Roscommon	50,000
South Dublin	50,000
South Tipperary	50,000
Waterford	600,000
Westmeath	50,000
Wexford	620,000
Wicklow	400,000
Total	6,640,000

Water and Sewerage Schemes.

224. **Ms Cooper-Flynn** asked the Minister for the Environment, Heritage and Local Government if he will report on the status of the proposed Tuam regional water supply stage two extension to Shrule, County Mayo; if tender documents have been approved; and when the scheme will commence. [4836/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The extension of the Tuam regional water supply scheme to Shrule is included in my Department's Water Services Investment Programme 2005-2007 to start construction this year. I have approved Galway County Council's recommended tender for the mechanical and electrical element of the scheme and it is a matter for the council to arrange for the carrying out of these works. The council's tender recommendation for the civil works is being examined in my Department and is being dealt with as quickly as possible. The Kilmaine and Shrule water supply scheme, which areas the extended Tuam scheme will also serve, is also approved in the water services investment programme to start construction this year. I understand that Mayo County Council is revising earlier contract documents. Following submission and approval of the contract documents, the

council will be in a position to invite tenders for the construction of the scheme.

Homeless Persons.

225. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the proposals he has in regard to the demands of the Focus Ireland right to a home campaign (details supplied); and if he will make a statement on the matter. [4837/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): Government policy on housing has the overarching aim of enabling every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice. The Government's approach to achieving this policy aim is that those who can afford to do so should provide for their own housing, with the aid where available of certain fiscal incentives or subsidies, and that those unable to access housing in this way should have access to social housing or income support to rent private housing. Existing legislation and funding programmes support this strategy. It is not considered appropriate to legislate for a specific right to housing. This could in practice distort the operation of current housing programmes and priorities. These have been resourced in accordance with democratic decisions of the Dáil, the Government and the local authorities, and have been effective in delivering increased outputs.

The Government is bringing about positive changes in the provision of social and affordable housing. My Department's Housing Policy Framework — Building Sustainable Communities, launched in December 2005, outlines a substantial investment programme in social and affordable housing over the next three years together with a package of reforms to improve equity, efficiency and effectiveness. Our objective is to deliver high quality housing for those who cannot afford to meet their own housing needs.

Specifically, in regard to homelessness, substantial additional funding has been made available to support the implementation of the homeless strategies. Funding continues to be made available to the voluntary housing sector for the provision of accommodation for homeless persons under the Department's capital assistance scheme.

Local authorities and the Health Services Executive are responsible for meeting the accommodation and health care needs of homeless persons. The Government's integrated and preventative strategies on homelessness provide the framework within which the agencies fulfil these responsibilities. Under the terms of the integrated strategy homeless fora, representative of the statutory and voluntary homeless sectors, were established at local authority level and homeless

action plans, adopted under their aegis, are being implemented. These developments have resulted in the provision of a wide range of additional accommodation and services for homeless persons. Rough sleepers have been enabled to access emergency accommodation and homeless persons have been facilitated to move out of emergency accommodation into accommodation more suitable to their needs. Increased numbers of day care facilities, together with specific provisions to meet the needs of people with addiction problems or who are sleeping rough, as well as homeless ex-offenders, have been put in place. While the emphasis was initially on the provision of emergency accommodation options, there is general agreement that there is sufficient emergency accommodation available for those who wish to avail of it and the emphasis must now move to long term solutions.

A range of social and private rented long-term accommodation is already available; the amount of such accommodation now needs to be further increased. Steps have been taken to encourage local authorities to focus their future activity in this area and a number of recent developments will facilitate their efforts to make progress. The development of the local authority housing action plans 2004-2008, the introduction of the rental accommodation scheme and the information gained from the assessment of housing need carried out in March 2005 will enable local authorities to include the specific housing needs of homeless persons in their overall housing programmes and enhance the availability of housing options for those homeless persons capable of independent living. A tenancy sustainment scheme is being piloted by the homeless agency with funding from my Department will facilitate previously homeless tenants to maintain their tenancies whether in public or private sector accommodation.

The continued provision of adequate funding is of major importance. While the provision of accommodation and related services for homeless persons is the responsibility of local authorities my Department recoups to them 90% of their expenditure in this area. In 2005, a total of €44 million was recouped to local authorities. This brings to €230 million the total funding made available for this purpose since 2000. The Department of Health and Children has provided funding of more than €100 million in the same period to meet the care needs of homeless persons. The outcome of the independent review of the homeless strategies is available. The main recommendations are that the integrated and preventative strategies should be amalgamated and revised. This work is commencing under the aegis of the Department's team on homelessness. The points raised by Focus Ireland and other stakeholders will be considered in this context.

Local Authority Housing.

226. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to facilitate local authority tenants who are over 55 years, unable to avail of life assurance and wish to purchase their home; and if he will make a statement on the matter. [4867/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): While local authorities must operate prudentially in regard to approving housing loans, they are not necessarily prevented from making a loan to a borrower who cannot obtain mortgage protection insurance because he or she by reason of health or age would not be acceptable to an insurer. Accordingly, the limitation of cover in the standard local authority mortgage protection scheme to persons aged at least 18 but less than 55 does not necessarily preclude the approval of loans to persons of 55 years or older. The requirements of private lending institutions in relation to life assurance are a matter for these institutions themselves and my Department has no role in this regard.

Turbary Rights.

227. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Roscommon will be awarded compensation for the purchase of bog; the reason for the delay; and if he will make a statement on the matter. [4868/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An offer to purchase will issue from my Department in this case shortly.

228. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Roscommon will be awarded compensation for the purchase of bog; the reason for the delay; and if he will make a statement on the matter. [4869/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche):

In July 2004 my Department concluded an agreement with the farming pillar under Sustaining Progress, which involved increased rates of compensation for the cessation of turf cutting in bogs that have been proposed as designated conservation areas. This agreement incorporated retrospective provisions benefiting landowners who participated in the original 1999 scheme for disposal of raised bogs and turbary rights to my Department. The person named is one of those who participated in the original scheme. My Department has requested a

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tax clearance certificate in this case and payment will issue following receipt of this.

Water and Sewerage Schemes.

229. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he has appointed the consultants appointed to draft a preliminary report on the development of a sewerage scheme for the village of Creggs, County Galway; and if he will make a statement on the matter. [4876/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Creggs sewerage scheme was fourth on the list of sewerage schemes submitted by Galway County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the Water Services Investment Programme 2005-2007 published in December 2005. Given the level of competing demand for the available funding, it was not possible to include the scheme 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 will be then taken into account in future phases of the programme.

Local Authority Housing.

230. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which it is expected that local authority tenants who have been awarded social or affordable housing can be expected to meet estate management costs of a punitive nature in view of the fact that their income may derive solely from social welfare; and if he will make a statement on the matter. [4886/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In regard to tenants of social housing, I refer to the reply to Question No. 682 of 15 November 2005. My Department's standing advice to local authorities is that applicants for affordable housing, including local authority tenants who avail of the affordable housing schemes, should be provided with full details on management charges together with mortgage and other costs associated with home ownership when pursuing their application. A Law Reform Commission working group is examining a range of legal issues relating to management of multi-unit structures generally. The Government will consider the recommendations in the final report, including the need for new legislation in this area.

Natural Heritage Areas.

231. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if the Sluice River Marsh, Portmarnock, County Dublin will be designated a natural heritage area or as a nature conservation area and same has the support and recommendation of Dúchas-National Parks and Wildlife Service. [4916/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Sluice River Marsh, Portmarnock, County Dublin was one of numerous sites publicly advertised from 1994 onwards on a non-statutory basis as proposed natural heritage areas NHAs. The Wildlife (Amendment) Act 2000 provides for the statutory designation of NHAs. To date, I have designated 148 raised bog and blanket bog sites as NHAs and I expect to advertise proposals for further NHAs, selected on the basis of objective scientific criteria, within the next 12 months. Sluice River Marsh is under consideration in this context.

Civil Service Travel Scheme.

232. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if a closing date or dates are operated by his Department in respect of the Civil Service travel pass scheme; if so, the dates in question; the way in which temporary, seasonal or other non-routine workers are accommodated in the scheme; and if he will make a statement on the matter. [4934/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department applies a closing date in mid-November each year to ensure tickets are available from the various travel companies for the commencement of the scheme in January. The scheme generally operates on an annual basis and, accordingly, it would not be appropriate to staff employed for less than a year in a temporary or seasonal manner. Some 250 staff are benefiting from the scheme.

Road Programme.

233. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the list of moneys allocated to each town council and each county council for 2006 roads programme; and if he will make a statement on the matter. [4946/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of the 2006 non-national road grant allocations by my Department to each local authority are set out in the following table:

	2006 Total Allocation		2006 Total Allocation
	€		€
<i>County Councils</i>		Bundoran Town	197,000
Carlow	6,962,000	Carlow Town	587,000
Cavan	15,635,000	Carrickmacross Town	197,000
Clare	18,942,000	Carrick-On-Suir Town	279,000
Cork	50,501,500	Cashel Town	197,000
Donegal	35,399,000	Castlebar Town	379,000
Dún Laoghaire / Rathdown	9,205,000	Castleblaney Town	197,000
Fingal	7,225,389	Cavan Town	279,000
Galway	28,788,604	Ceannanus Mor Town	279,000
Kerry	20,595,500	Clonakilty Town	197,000
Kildare	26,839,606	Clones Town	197,000
Kilkenny	12,920,500	Cobh Town	279,000
Laois	9,919,000	Dundalk Town	606,000
Leitrim	11,180,000	Dungarvan Town	279,000
Limerick	16,859,000	Ennis Town	587,000
Longford	7,748,600	Enniscorthy Town	279,000
Louth	7,440,500	Fermoy Town	279,000
Mayo	24,417,500	Killarney Town	279,000
Meath	29,764,921	Kilrush Town	197,000
Monaghan	14,300,000	Kinsale Town	197,000
North Tipperary	11,175,000	Letterkenny Town	563,000
Offaly	13,952,000	Listowel Town	197,000
Roscommon	15,254,000	Longford Town	279,000
Sligo	12,444,000	Macroom Town	197,000
South Dublin	10,290,069	Mallow Town	279,000
South Tipperary	12,879,500	Midleton Town	279,000
Waterford	12,343,000	Monaghan Town	279,000
Westmeath	10,154,000	Naas Town	587,000
Wexford	16,074,000	Navan Town	587,000
Wicklow	17,803,000	Nenagh Town	279,000
<i>City/Borough Councils</i>		New Ross Town	279,000
Cork City	7,360,000	Skibbereen Town	197,000
Dublin City	14,523,816	Templemore Town	197,000
Galway City	2,203,000	Thurles Town	279,000
Limerick City	4,220,122	Tipperary Town	279,000
Waterford City	3,773,142	Tralee Town	587,000
Clonmel Borough	583,000	Trim Town	279,000
Drogheda Borough	647,000	Tullamore Town	279,000
Kilkenny Borough	607,000	Westport Town	279,000
Sligo Borough	1,277,000	Wicklow Town	279,000
Wexford Borough	583,000	Youghal Town	279,000
<i>Town Councils</i>			
Arklow Town	279,000		
Athlone Town	563,000		
Athy Town	279,000		
Ballina Town	279,000		
Ballinasloe Town	279,000		
Birr Town	279,000		
Bray Town	606,000		
Buncrana Town	279,000		

234. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the criteria used in the allocation of moneys to the town and county councils for 2006 roads programme; and if he will make a statement on the matter. [4947/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In determining the annual non-national road grant allocations, the overall objective is to resource each local

[Mr. Roche.]

authority appropriately in regard to their ongoing and special needs. The process is guided by a range of criteria, including road pavement conditions, traffic volumes, length of road network, population and eligibility in relation to specific projects such as EU co-financed specific improvements schemes.

Non-national road grants are allocated under a number of grant categories, including discretionary maintenance, discretionary improvement and restoration maintenance grants to county councils, which are determined predominantly on a *pro rata* non-national road length basis; restoration improvement grants to county councils, which are based on multi-annual restoration programmes submitted by local authorities to my

Department, taking account of previous allocations and the results of the recent pavement condition study and review of pavement management systems; block grants and special block grants for carriageway repairs to city, borough and town councils, which are based on the population of each urban area and its environs; and other grant categories which are project specific such as the EU co-financed specific improvements grant scheme and the strategic non-national roads grants scheme, under which projects are submitted by local authorities for consideration and allocations are determined following an assessment of their individual merits, compliance with eligibility criteria, the needs of all areas and the total funds available.