Vol. 614
No. 4

Tuesday,
14 February 2006

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 14 *Feabhra* 2006.
Tuesday, 14 *February* 2006.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Appointment of Ministers of State.

The Taoiseach: I wish to formally announce for the information of the House that the Government has today appointed Deputy Mary Wallace to be Minister of State at the Department of Agriculture and Food; Deputy Gallagher to be Minister of State at the Department of Transport and Deputy Browne to be Minister of State at the Department of Communications, Marine and Natural Resources.

Ceisteanna — Questions.

Northern Ireland Issues.

1. **Mr. Kenny** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [39743/05]

2. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [39744/05]

3. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [39745/05]

4. **Mr. Kenny** asked the Taoiseach when he next expects to meet the British Prime Minister, Mr. Tony Blair; and if he will make a statement on the matter. [39746/05]

5. **Mr. Kenny** asked the Taoiseach when the Forum for Peace and Reconciliation will next meet; and if he will make a statement on the matter. [39753/05]

6. **Mr. Kenny** asked the Taoiseach when he next expects to visit the United States; and if he will make a statement on the matter. [39754/05]

7. **Mr. Kenny** asked the Taoiseach if he will convene a meeting of the Ireland-America Economic Advisory Board during his next visit to the United States; and if he will make a statement on the matter. [39755/05]

8. **Mr. Kenny** asked the Taoiseach the arrangements in place within his Department for maintaining contact with the Ireland-America advisory board; and if he will make a statement on the matter. [39756/05]

9. **Mr. F. McGrath** asked the Taoiseach if he will report on the Stormontgate issue. [40157/05]

10. **Mr. F. McGrath** asked the Taoiseach the position regarding the peace process. [40159/05]

11. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his work in the peace process since 14 December 2005; and if he will make a statement on the matter. [40279/05]

12. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his most recent contacts with the political parties in Northern Ireland. [40394/05]

13. **Mr. Rabbitte** asked the Taoiseach the matter discussed at his meeting on 22 December 2005 with the Chief Constable of the PSNI, Mr. Hugh Orde; the information the Chief Constable gave regarding the alleged operation of a spy-ring at Stormont and subsequent dropping of charges against a number of persons; and if he will make a statement on the matter. [40395/05]

14. **Mr. Rabbitte** asked the Taoiseach his assessment of the implications for political progress in Northern Ireland of the dropping of charges arising from an alleged spy-ring at Stormont and the disclosure that a senior Sinn Féin official was a long time British agent; and if he will make a statement on the matter. [40396/05]

15. **Mr. Rabbitte** asked the Taoiseach if he intends to undertake a review of his arrangements for contact and communications with political parties in Northern Ireland in view of the disclosure that a person (details supplied) was a long time British agent; and if he will make a statement on the matter. [40397/05]

16. **Mr. Rabbitte** asked the Taoiseach his recent contacts with the British Government regarding its proposals for dealing with on-the-runs; and if he will make a statement on the matter. [40398/05]

17. **Mr. Rabbitte** asked the Taoiseach if and when he expects the two Governments to resume talks with the political parties in Northern Ireland with a view to the re-establishment of the institutions provided for in the Belfast Agreement;

[Mr. Rabbitte.]

and if he will make a statement on the matter. [40399/05]

18. **Mr. Rabbitte** asked the Taoiseach his plans to visit the United States around St. Patrick's Day; the programme agreed for such a visit; and if he will make a statement on the matter. [40401/05]

19. **Mr. Sargent** asked the Taoiseach if he will report on recent contacts with the UK Prime Minister, Mr. Tony Blair, regarding the Northern Ireland peace process; and if he will make a statement on the matter. [1237/06]

20. **Mr. Sargent** asked the Taoiseach if he will report on his contacts with the Northern Ireland political parties; and if he will make a statement on the matter. [1238/06]

21. **Mr. Sargent** asked the Taoiseach the contacts he has had with the UK Prime Minister, Mr. Tony Blair, or with the UK administration regarding the recent Stormontgate affair; the implications of this affair for the peace process; and if he will make a statement on the matter. [1239/06]

22. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the PSNI Chief Constable, Sir Hugh Orde. [1854/06]

23. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the parties in Northern Ireland. [1855/06]

24. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet with the President of the United States of America, Mr. George W. Bush; and if he will make a statement on the matter. [1857/06]

25. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair. [1858/06]

26. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the US administration. [1859/06]

27. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair, on 26 January 2006; and if he will make a statement on the matter. [2976/06]

28. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Tony Blair, in Dublin on 26 January 2006. [3103/06]

29. **Mr. Sargent** asked the Taoiseach if he will report on his meeting of 26 January 2006 with the UK Prime Minister, Mr. Tony Blair; and if he will make a statement on the matter. [3406/06]

30. **Mr. Sargent** asked the Taoiseach if the Forum for Peace and Reconciliation will be reconvened in 2006; and if he will make a statement on the matter. [3407/06]

31. **Mr. Sargent** asked the Taoiseach the recent or planned contacts with the Ireland-America Economic Advisory Board; and if he will make a statement on the matter. [3408/06]

32. **Mr. Sargent** asked the Taoiseach if he will report on his meeting of 22 December 2005 with the Chief Constable of the PSNI, Mr. Hugh Orde; and if he will make a statement on the matter. [3409/06]

33. **Mr. Sargent** asked the Taoiseach if he will be visiting the United States during the St. Patrick's Day holidays; if so, the itinerary for his visit; and if he will make a statement on the matter. [3410/06]

34. **Mr. Sargent** asked the Taoiseach when he next expects to meet the US President Mr. George W Bush; and if he will make a statement on the matter. [3411/06]

35. **Mr. F. McGrath** asked the Taoiseach the reason for the delays in the peace process; and if he will make a statement on the matter. [3627/06]

36. **Mr. Rabbitte** asked the Taoiseach if he has received the eighth report of the Independent Monitoring Commission; his views on the implications of the report for future developments in Northern Ireland; and if he will make a statement on the matter. [4182/06]

The Taoiseach: I propose to take Questions Nos. 1 to 36, inclusive, together.

The Government remains fully committed to the peace process and the full implementation of the Good Friday Agreement. We have seen very real progress in recent months. There are, of course, continuing difficulties. This is not surprising following such a prolonged conflict, and indeed centuries of division on this island, but the progress that has been made deserves to be acknowledged.

The Independent Monitoring Commission, IMC, report, which both Governments requested and which we published on 1 February, reflects the complexity of the transition which is taking place within the Provisional IRA. In a key conclusion, the IMC say it is of "the firm view that the present IRA leadership has taken the strategic decision to end the armed campaign and pursue the political course which it has publicly articulated".

The absence of evidence of IRA paramilitary activity since last July including authorised attacks, recruitment, training, targeting and involvement in rioting is of particular note and obviously welcome. At the same time, the commission identifies issues of concern that must be addressed, particularly regarding criminal activity and gathering of intelligence. The Governments do not minimise the importance of these concerns but it should be noted that in light of the progress made, the IMC recommended that the financial measures against Sinn Féin, which the commission had previously recommended, should be lifted.

We also published a further report from the Independent International Commission on Decommissioning, the IICD. The IICD's report dealt with decommissioning of loyalist weaponry and matters relating to IRA decommissioning last September. It reported on the continuing engagement of the commission with representatives of loyalist paramilitary organisations. The IICD investigated reports that the IRA had retained some of its weapons. However, following investigation of these reports, it concluded that its assessment last September regarding the decommissioning of IRA arms remains correct.

The IICD will continue with its work, as will the IMC. The Government does not take lightly the negative matters raised in the IMC report. The Garda, Office of the Revenue Commissioners and other agencies will continue to pursue illegality from whatever source. They will continue to co-operate actively with their counterparts in Northern Ireland and elsewhere in this task.

I met Prime Minister Blair in Farmleigh on 26 January. The close and concerted co-operation between the two Governments remains vital as we seek to bring finality to outstanding issues and achieve full implementation of the Good Friday Agreement. In our joint statement following this meeting, we emphasised the importance of making progress in 2006 and indicated that the forthcoming talks with the Northern Ireland political parties would have the aim of setting out the arrangements and timetable for the restoration of the institutions as soon as possible. We made clear that the early restoration of the devolved institutions is in the best interests of everyone in Northern Ireland. If we are genuinely and permanently to bed down progress in Northern Ireland, we cannot leave things as they are at present. We must bring matters to completion.

The talks between the Governments and the Northern Ireland political parties got under way on 6 February and are expected to last several weeks. These talks were attended by all the political parties. The Minister and the Secretary of State made clear the Governments' determination to achieve early progress through an inclusive process of negotiations with all the parties. The meeting of the British-Irish Intergovernmental Conference in London on 1 February reflected the ongoing and growing agenda of North-South and east-west co-operation. Ministers discussed a joint paper on infrastructure development and spatial planning on the island. They noted the scope for further practical co-operation on the development of an all-island economy and agreed that a full review should be undertaken to identify existing co-operation, to analyse what is working well, to identify areas where future co-operation would deliver mutual benefits and to examine how such co-operation might best be taken forward. They agreed that there is significant potential for further co-operation on a range of infrastructure and spatial planning issues and requested responsible Departments and agencies or regulators to identify further projects for North-South co-operation and bring these forward. It was also agreed that further opportunities for joint trade promotion would be explored.

I met US Special Envoy Mitchell Reiss on 30 January. We discussed the two Governments' plans for advancing the implementation of the Good Friday Agreement. The US Government remains fully supportive of the position of the Irish and British Governments. We also discussed my forthcoming visit to the United States for St. Patrick's Day.

I expect to meet President Bush during my visit to the United States for St. Patrick's Day. The programme for this visit has yet to be finalised. I expect discussions on the peace process will figure prominently, in addition to other issues. I also expect to participate in the traditional ceremonies at the White House and on Capitol Hill and to meet the Ireland-America Economic Advisory Board in the course of my visit. It has been the practice in recent years to meet the board during the course of my annual visit to Washington over the St. Patrick's Day period. My Department maintains contact with the board primarily through our embassy in Washington, as well as through annual visits and meetings. As the House will be aware, board members give voluntarily of their time and expertise in a number of ways. In addition to visiting Washington, I also expect to visit San José, California, while I am in the USA.

I met the Chief Constable of the PSNI, Sir Hugh Orde, on 22 December 2005 regarding the so-called "Stormontgate" affair. There were some detailed exchanges but as the briefing and exchanges were confidential, it would not be appropriate to go into detail. I welcomed the fact that the Chief Constable had briefed the Northern Ireland Policing Board and urged that the maximum possible information be shared with the public. There was also a helpful exchange regarding policing generally in Northern Ireland and the continuing progress on full implementation of the recommendations of the Patten report.

The "Stormontgate" case, along with a number of other issues, contributed to the collapse of the power-sharing Executive in 2002. However, the

[The Taoiseach.]

primary focus of the Governments and parties must now be on the future and the priority of restoring the devolved institutions in 2006, and contacts with all the political parties will, as previously, continue with this aim in view.

On the question of the so-called on-the-runs, OTRs, when the UK legislation was published last November, proposals for dealing with the handful of cases that might arise in this jurisdiction were announced. It was indicated that such a scheme would operate in tandem with the operation of the provisions in the United Kingdom. The withdrawal of the UK legislation means the proposals for dealing with the matter in this jurisdiction are now in abeyance pending the issue being revisited in both jurisdictions.

The question of further sessions of the Forum for Peace and Reconciliation will be kept under review. As of now, there are no plans for a further meeting.

Mr. Kenny: Before I ask a number of questions, I wish the Minister of State, Deputy Mary Wallace, well in the new role to which she has been appointed. I note that the Minister of State, Deputy de Valera, has withstood the pressure that was reportedly put on her to stand aside. I wish the Ministers of State well in the 12 months, or less, which remain before the next general election.

I have read the report of the International Monitoring Commission, which identifies some movement in the right direction. It is obvious, however, that it falls far short of where we should be if Sinn Féin is to be truly respected as a fully democratic party. I was somewhat dismayed by the Government's reaction to the IMC's serious finding that continuing IRA involvement in criminal activity and intelligence gathering is taking place in the Twenty-six Counties, despite its specific commitment last July that such activities were to cease immediately. It is simply unacceptable, in a democratic society, that the IRA can maintain its structures, continue its spying activities for political purposes and maintain its involvement in criminal fund-raising.

I remind the Taoiseach of his response to comments made by the Assistant Chief Constable of the PSNI, Mr. Sam Kincaid, on 18 January last. The Taoiseach dismissed Mr. Kincaid's view that the IRA is still involved in organised crime, claiming that the Chief Constable of the PSNI, Mr. Hugh Orde, had expressed to him "a different view" to that expressed by Mr. Kincaid. Did that response not prompt a statement from Mr. Orde that he and the Taoiseach had not discussed this issue? Did Mr. Orde not state that he backed Mr. Kincaid fully? Did Mr. Orde not claim that the view held by Mr. Kincaid and him had been vindicated and confirmed by the IMC? Can the Taoiseach explain why his comment directly contradicted that of Mr. Kincaid? Is it not the case that Mr. Orde issued a statement backing Mr. Kincaid fully, even though the Taoiseach had said that Mr. Orde had given him "a different view"?

The Taoiseach: The IMC report has generally been viewed as a positive report. It is important to note that there has not been any evidence of IRA paramilitary activity, such as authorised attacks, recruitment, training, targeting or involvement in rioting, since last July. It is also important to note that the report states that "the present PIRA leadership has taken the strategic decision to end the armed campaign and pursue the political course" to which it committed itself last July. A huge change is taking place in a complex organisation. The PSNI, the British Army, the Irish security forces and everyone else who is involved understands that this process will take time. I hope, obviously, that the final aspects of criminality and intelligence gathering, which are totally unacceptable and wrong will have ended by the time the next IMC report is published in April. It cannot be denied that a significant amount of progress has been made. That needs to continue if we are to build trust and confidence. I emphasise that the IMC and IICD reports have confirmed, contrary to negative reports from some quarters, that a strategic decision to pursue politics by peaceful means has been taken by the leadership of the IRA. That such a decision has been taken is not being questioned by any of the groups concerned.

There has been a great deal of debate about the issue of weapons, arising from the IMC report. I have outlined the comments I made and I do not propose to return to that issue. When I was asked about Mr. Kincaid's remarks, I said he must have some information on which to base such comments. While there have been many debates about the weapons issue, it should be borne in mind that the IMC and IICD reports do not contradict each other. The IMC has said it received certain reports, but it did not state definitively that weapons have been retained. The matter was not investigated by the IMC but by the IICD, which concluded in its report that in the absence of evidence to the contrary its statement of 26 September regarding IRA arms remains correct. I am just quoting the facts. The IICD is responsible for the decommissioning issue and it has our full confidence. The work of both the IMC and the IICD is very valuable and I am very grateful for the work which is ongoing.

I am in total agreement with Deputy Kenny on the other two points. There are a number of concerns about ongoing intelligence gathering and crime. The IRA is a complex organisation and requires time to move in transition. The next step is in April and we must also see the back of these issues. We also made it clear, irrespective of the positive developments that have taken place, including those recorded in the IMC report, that any assets acquired illegally by people or organisations, whether they have paramilitary links or not, will be fully pursued. The Garda is very

active on that front in a number of areas, such as money laundering and other financial crimes. The investigations into that activity continues and there are quite a large of number of gardaí involved.

Mr. Kenny: It is almost the anniversary of the murder of Pat Finucane. The Taoiseach is aware of the campaign by his family for a full public inquiry here. Judge Peter Cory recommended that after assessing all the information in the public domain. The Taoiseach recently answered a question of mine stating that he supported this recommendation. If we put down a simple, non-political motion, calling for a public inquiry, as per the recommendation of Judge Cory, is the Taoiseach and the Government prepared to support that?

The community restorative justice schemes were introduced as an alternative to the PSNI in County Down and were recommended by a member of Sinn Féin. Has there been any discussion with the British Government about the amount of money that is being paid directly into these schemes? Mr. Auld recently said that if the community restorative justice organisation were to agree to have a relationship with the PSNI, then it would be putting itself out of business. In a recent article, Garret FitzGerald mentioned five points that are clearly of serious importance, where quite a number of members of the restorative justice committees were previously members of the IRA. What is the Taoiseach's position on this? Has he had discussions with the British Prime Minister and the Secretary of State for Northern Ireland on moving this issue to a stage where communities can have a police force in which they have full and proper confidence? Have there been discussions about the level of direct payment being made in respect of these schemes?

The Taoiseach: I have recently answered questions on the Finucane case, but I would like to say a few words on it. The family has met Mr. Hain in Belfast and they are not at all happy with the latest meeting. I understand it was a difficult meeting and the family is not satisfied with the British proposals for the inquiry into Pat Finucane's murder. Our sympathies have always been with Geraldine Finucane and her family in all of this. I have had many meetings with the family and with the various groups that have campaigned for the family. We have consistently said we wish to see a full public inquiry held as was envisaged at Weston Park and recommended by Judge Cory. The circumstances of the case demands the maximum openness. That has been the Irish Government's position for years. We share the view of the family, many others and most importantly, the view of Judge Cory, that the inquiry which the British want to hold under the new legislation does not meet the needs of this case.

This is an open and shut case for us. We raised this with President Bush last year and we got him to speak at the time. I have raised this with the British Government many times and to be frank, I do not see any willingness to change its position. I will certainly look at the procedure of the motion, but in principle I have no problem with it. We can work out something on which we can all agree.

I have had many discussions on the issue of restorative justice, which was raised previously in the House. I understand the rationale and the schemes, and I have read the submissions about the schemes. I have talked at length to the political parties, including the SDLP, and to the British Government with regard to the schemes while the Minister for Foreign Affairs, Deputy Dermot Ahern, has talked to his counterpart, Mr. Peter Hain, MP, and others.

I can understand all the models and arguments of how one would try to move from the current situation — many parts of Northern Ireland have moved to another situation. However, we will have difficulties if we do not deal through the police, which is the relevant point. We all know how community policing and neighbourhood watch schemes operate throughout the country — many of them operate well — but, at the end of the day, those who must make the decisions on how they operate and on the gathering, collection and two-way flow of information, are the community groups and the police. Otherwise, who will make these decisions? That is the difficulty.

That point has been made to me by religious and community leaders and others. While some of them make the point that there are some benefits to bringing people in, ultimately, the police must be involved, which is what is happening in the loyalist pilot schemes in operation at present. Until that is the case, this will always be an area involving suspicion, friction and concern, if not far worse.

That brings me back to the point I have made many times, namely, we must achieve the resolution of the policing issue. Within days, the British Government will publish the draft of its legislation and its position paper. That is where I would like to see the debate in the months ahead. It is the only way we will resolve the issue.

Mr. F. McGrath: I thank the Ceann Comhairle for the opportunity to question the Taoiseach on the peace process. Does the Taoiseach share my anger and frustration, and the frustration of the vast majority of citizens on the island, with regard to the constant delays in the peace process? Does he find these delays unacceptable?

Does the Taoiseach find it unacceptable that sinister elements within the British security forces can bring down institutions voted on by the people? Are these sinister forces constantly active in political life on the island? Does the Taoiseach accept that they are a constant threat to democracy on the island? With regard to the

[Mr. F. McGrath.]

Stormontgate question, what actions will the Taoiseach take to deal with these sinister and dark elements?

Will the Taoiseach encourage the Unionist population, particularly those Unionists visiting Dublin in the next few weeks to lay wreaths, to consider laying a wreath in Talbot Street as a mark of respect to the 33 people killed and the 240 injured in Dublin and Monaghan on 17 May 1974 by loyalist paramilitaries and members of the British security forces? Will he keep reminding Mr. Paisley and company that there were victims on all sides of the conflict of the past 30 years?

The Taoiseach: I am sure those who follow the debates in this House will take note of the last suggestion. I always say to groups I meet from all quarters that everyone must realise that there were terrible atrocities on all sides and we should respect that. I agree with the Deputy's point.

I do not want to get into the Stormontgate affair. I agreed with the Chief Constable, Hugh Orde, that the meeting would be confidential and I would not discuss it. In spite of the fact that he issued a statement on one of the matters, I will not breach that confidence. It was a confidential meeting and I will accept it on that basis and will not break the agreement other than to say that all these issues are unhelpful, from wherever they come.

Unless we can move away from a situation where people and groups gather intelligence and spy on each other, or have agents or otherwise, from whatever quarter, we will not be in the democratic situation we all want to be in. All this should stop to allow everybody to move on and have a normal existence. In a normal society there are rules about these matters, namely, legislation and independent judges who oversee it. In a normal society — Northern Ireland has been relatively normal for the past decade — one cannot just act on one's own. Therefore, we should be moving away from this on all sides as it is unhelpful and the situation becomes totally convoluted by getting into blow by blow details of who did what. It becomes a bit of an endless argument. I understand the position stated by Hugh Orde and what he said to me, but I want to move on from that.

Deputy Finian McGrath will appreciate that nobody gets more frustrated than me at times about the ongoing delays. However, there are reasons for them as there are reasons for moving the process along. Hopefully, the clear statements of July and September last year have put us in a position where we are moving away from the torments of the past and paramilitary groups. There are some issues we must still move on from and these are clear and well documented. I accept it takes time to resolve these issues, but this must happen. Otherwise we will never get trust and confidence.

Last year we had, at least, an effort to get trust and confidence. I hope the meetings that have now started will lead us to what must be the agenda. The only agenda is the restoration of the institutions, based on the Good Friday Agreement for which the people voted and which is the reason we in the Republic made the decisions we did. We are committed to implementing that, and there is no other agenda. The two Governments, the US Administration and the European Union are totally committed to that path. Therefore, I do not think we should open up any other paths. I certainly will not, nor will I entertain any other because there is no point and they will not work.

We must stay with the agenda we have and try and work with the parties to get to the desired position. We have started working on it in a serious way and all the parties are committed to it. I know they all have a different endgame, but the negotiations are to see how we can move the agenda forward in the weeks ahead. As the Deputy said, there is no point in delaying. We must get to completion. We must put an end to criminality, intelligence gathering and these issues that have been highlighted. If we can do that we should be able to move to proper institutions based on the Good Friday Agreement.

Caoimhghín Ó Caoláin: Has the Taoiseach noted the Finucane family's restated rejection of any inquiry under the restrictions of the British Inquiries Act? The family made that rejection patently clear following its meeting with Peter Hain last week. Where does the Taoiseach stand on the Finucane family's demand for a full, open, public inquiry that is not gagged by the mechanism of the Inquiries Act, is he pressing for the repeal of that legislation at Westminster and has he raised the issue with Tony Blair in recent engagements with him?

Given that it is of such importance that the Finucane family and others are facilitated in their search for truth and justice, is that an issue on which the Taoiseach would seek to call a special summit meeting between himself and Tony Blair to address as a stand alone item on an agenda? I believe it is of such importance, but what is the Taoiseach's view? Does he accept that securocrats are behind the demand for the parameters to be within the terms of the Inquiries Act? If they have their way on this issue and on all matters pertaining to collusion, how and when will they ever be faced down on their continuing actions to thwart progress in the overall peace process?

Has the Taoiseach noted that the British Parliament last night took a further step towards the imposition of compulsory ID cards for everyone in the island of Britain and in the North of Ireland? The British Home Secretary, Mr. Charles Clarke, made the clear statement that it is intended to have compulsory identification cards for everyone. What is the Taoiseach's view on the matter and will he take particular decisive action to ensure

3 o'clock

that such a proposition will not come about for any citizen on the island of Ireland, particularly given the abuse of access to information by the police force in the North of Ireland by any name, and the feed of sensitive information on citizens in that jurisdiction to loyalist paramilitaries through the years?

Does the Taoiseach accept, as I do, that the introduction of compulsory ID cards for every citizen in the North is bound to cause great concern, fear and alarm within Nationalist and republican communities throughout the Six Counties? Will the Taoiseach make it clear that this is not acceptable? What is the Taoiseach's position on a previous statement by the Minister for Justice, Equality and Law Reform regarding the introduction of a compulsory identification scheme for all citizens in this jurisdiction on the back of the British Government's intended implementation of compulsory ID cards on the island of Britain and the north of this island?

The Taoiseach: We have represented to the British Government in meetings most of the points and concerns made clear by groups. The Minister for Justice, Equality and Law Reform, Deputy McDowell, has handled this issue throughout. There have been many meetings with the British Home Secretary, Charles Clarke, and between officials. It would be better to table a question to the Minister for Justice, Equality and Law Reform to get a full briefing on the matter. We have put all the concerns put to us to the British Government over the past 18 months that this has been ongoing.

I said to Deputy Kenny that the Government's support, sympathies and actions have been with the Finucane family throughout. That remains the position. We have given them any assistance we can, and we will continue to do so. I have explained the reasons for this. An agreement was made in Weston Park to follow a particular strategy and we have done so. Mr. Justice Cory came down on a particular side and we supported it. It is our view, supported by the Americans and Mr. Justice Cory himself, that the British Government has not followed this. We have had many meetings on the matter and raised it at several meetings last year with the British Prime Minister, Mr. Blair.

I regret that the British have not shown a willingness to meet the family's needs. We are considering pursuing it, but I would be misleading the House if I stated I had any impression that the British Government was going to change its position. I have heard from the Prime Minister through his office and no indication has been given that there will be a change in the matter. We continue to support the Finucane family in its quest for the truth, and the British Government is aware of this also. The matter will not go away.

Caoimhghín Ó Caoláin: Will the Taoiseach seek a summit on the matter?

The Taoiseach: We have raised the matter at every summit and we will continue to raise the matter. It does not require a special summit. The Prime Minister knows our precise view on the issue, as does the British Government, as the affair has been ongoing for so long.

Caoimhghín Ó Caoláin: The Taoiseach left out an answer to one question.

An Ceann Comhairle: There are three Deputies offering and we are running out of time

Caoimhghín Ó Caoláin: I wish to know the Taoiseach's views on ID cards.

An Ceann Comhairle: The Deputy took five minutes to submit his question.

Caoimhghín Ó Caoláin: It did not take me five minutes to submit the question.

An Ceann Comhairle: The Deputy should resume his seat and allow Deputy Rabbitte to speak.

Caoimhghín Ó Caoláin: I wish to know the Taoiseach's views on ID cards.

An Ceann Comhairle: We wish to hear the three other Deputies before the end of Taoiseach's questions.

Caoimhghín Ó Caoláin: We would also like to hear the answer.

Mr. Rabbitte: What is the Taoiseach's view on the statement by the Secretary of State for Northern Ireland, Mr. Peter Hain, that he will withdraw salaries from the MLAs? Does the Taoiseach believe that a democratic culture in Northern Ireland can be maintained if democratic representatives are deprived of a means of income? Does this go back to people who can rely on personal or other income to sustain themselves in politics? What impact would that have? Would it not inevitably lead to the collapse of the institutions? Does the measure not inevitably favour a well-resourced party with a large number of MPs in the House of Commons, such as the DUP, for example? Can the Taoiseach persist in trying to establish normal politics in Northern Ireland if the Secretary of State for Northern Ireland goes ahead with that decision?

Has the Taoiseach had an opportunity to read the proposals published yesterday by the SDLP for improved North-South co-operation and does he have an initial response to them?

The Taoiseach: Deputy Rabbitte is correct on the first issue. The withdrawal of MLAs' salaries will cause difficulties for a small number of parties whereas other parties will not be much affected. Mr. Peter Hain has said one cannot pay indefinitely salaries to elected members of insti-

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tutions that have not met for several years, since 2002, and I understand that point. The solution is to end the debate by creating trust and confidence for everybody to be able to make the necessary decisions. A withdrawal of salaries while discussions are ongoing will not help the atmosphere and I hope the Secretary of State does not do that. I believe he is referring to the longer term rather than the shorter term. I do not think he will take the matter further until this round of talks move, hopefully, to a successful position.

The SDLP has briefed us on its proposals for some time and we welcome its positive contribution to the agenda for North-South co-operation and the development of an all-Ireland economy. The proposals are in line with a number of meetings we have had with various groups representing five or six business bodies in the North. The latest one, last week, focused on how co-operation can be enhanced. The main point is grounded in common sense and involves mutual benefits for everybody, North and South. I agree with Mr. Mark Durkan that the question should not be "Why co-operate?" but "Why not?", which is in line with what the Minister for Finance said in his speech in Derry last year.

We already do a lot of work across all policy areas to develop North-South co-operation, and we will closely examine the SDLP proposals to help us develop this further. The best way to do so is to re-establish the North-South Ministerial Council, which I hope will happen soon. In the meantime we will press ahead with co-operation with the British Government. The SDLP proposals are very extensive and include suggestions for new North-South bodies, infrastructure, environmental protection, harmonised tax rates, joint actions and common policies, a wide range of areas. We will closely examine all the proposals.

Mr. Sargent: Does the Taoiseach accept that to many people outside the House, and maybe inside it too, the peace process looks becalmed, like a duck floating on a pond, notwithstanding that its feet may be paddling away furiously below the surface of the water? Does the Taoiseach accept there is not much happening, regardless of the activity level, and that, in light of the statement of Dr. Paisley on the President and the IMC report, the restoration of the institutions looks even more distant than it did a couple of months ago? Will he take the initiative to cast the net a little wider in terms of discussions with the parties on both sides of this House and, perhaps, with groups in civil society in order to fill the vacuum with fruitful debate rather than with the activities of dissidents on all sides of the political divide? Will he agree to a meeting with the political parties represented in this House at which a non-plenary exchange of views could be expressed on the way forward? With regard to his meeting with Mr. Tony Blair on the issues of policing and the restoration of institutions, does the Taoiseach have any hopes, beyond those expressed in public, that progress is afoot?

In a Dáil reply given to me with regard to an inquiry on Pat Finucane, the Taoiseach said "the Government wants the standard agreed at Weston Park and set by Judge Cory to be adhered to". What exactly does that mean and how has the objective been pursued? Is there any point at which it becomes unacceptable to deal with people who have walked away from the standard agreed at Weston Park? Is pressure being exerted to ensure this inquiry will be held?

Mr. J. Higgins: I know the Taoiseach will not heed my advice to boycott any visit to President Bush this year but will he have any new proposals to put forward at his meeting with the US President with regard to the tens of thousands of Irish citizens living clandestinely in the United States? Shall the Taoiseach seek clarification on the President's reasons for misleading him with regard to the reasons for the invasion of Iraq? Will he raise the worldwide concerns for human rights which have arisen due to the continued existence of the Guantanamo gulag in contravention of natural justice and civil rights?

I wonder whether the Taoiseach read the newspapers this morning. When he arrives at the White House, clutching his bowl of shamrock, will he be wearing a bullet proof vest? I see that, not content with slaughtering innocent Iraqis, Vice President Cheney has turned his gun on a close friend whom he mistook for a duck. The Taoiseach should be careful over there.

The Taoiseach: On Deputy Sargent's questions, the institutions are not up and running but we would be wrong to think that a huge host of other matters are not moving or that successful jobs are not being done. The real basis of the peace process is that people in Northern Ireland are living in peace and moving towards better human rights and justice. That is due to the work of the policing board, the parades commission, the review of criminal justice, oversight commissioners and, in different ways, the work of Ms Nuala O'Loan. There are a great number of successful groupings, never mind North-South bodies, which are working and moving ahead.

Admittedly, the main element which we want to see are the institutions but we should not discount the efforts of people involved in political parties, including politicians, and others who are working on these matters, as well as the ongoing demilitarisation of Northern Ireland which is moving apace in terms of fewer security personnel and decreased army involvement. These are all positives and will hopefully lead us to the necessary breakthrough.

On the Finucane issue, we have made our views clear and the British Government is aware

of them. We have pressed and used all our powers of persuasion on this issue. They have not shown a basis for movement on this. We have not considered walking away from everything just because of that issue but the British Government is very clear about the annoyance of the Irish Government and this House, because it has been expressed time and again.

The talks process is ongoing and wherever it is useful or necessary for us to have talks between the parties here, we are glad to do so or to brief them. I have always said to the parties that when they are coming here from the North, they should meet people from other parties too and engage with them. That has been improved on a lot in the last year or two.

With regard to Deputy Higgins's question, I will raise the matter again and I assure him that I did so last year. I will raise the proposals about the immigration issue. I have taken a very keen interest in the Kennedy legislation and have been supportive of it. There are a number of proposals on the matter but we will raise it again this year and have done so through our ambassador and more recently through the Minister for Social and Family Affairs, Deputy Brennan, who was in the United States and had a number of meetings. The Attorney General will do likewise this week, to make our position clear and to try to help the plight of Irish immigrants.

The United States is well aware of the Government's view that those detained at Guantanamo Bay should be treated in accordance with the requirements of international human rights and humanitarian law. When we held the Presidency of the EU, I made these views known to the President of the United States at Dromoland Castle. I have raised the matter since then and will continue to make our position clear on the issue and the Minister for Foreign Affairs, Deputy Dermot Ahern, is doing the same. We will continue to cooperate with the European Parliament and the Council of Europe with regard to the investigations around the issue of rendition.

Priority Questions.

Proposed Legislation.

102. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the legislation he intends to bring forward to address the issue of corruption at local government level; and if he will make a statement on the matter. [5794/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 provided for a new and comprehensive ethics framework for those involved in local government. This built on longstanding ethics requirements on local authority councillors and staff under planning legislation, which predated other legislation.

Part 15 of the Act was brought into operation from January 2003 and the codes of conduct for councillors and employees were published in June 2004. Part 15 requires an annual declaration of interests by councillors and staff, disclosure of a pecuniary or beneficial interest where a matter arises at a meeting or in course of an employee's work and a public register of interests. The purpose of the codes is to set out standards and principles of conduct and integrity for councillors and staff, to inform the public of the conduct it is entitled to expect and to uphold public confidence in the local government system.

The effectiveness of the operation of the local government ethics legislation is kept under close and active review in the light of experience since its introduction. I will continue to monitor developments in this regard and will bring forward proposals for amendments to the codes, if necessary. In this context, as stated in the reply to Question No. 546 of 7 February, the issue of local government officials accepting outside appointments or consultancies following resignation or retirement has not, up to now, been addressed by the codes of conduct. However, my Department has formulated proposals to amend the codes in this regard and the Standards in Public Office Commission and the Department of Finance are currently being consulted on the drafts. A decision on the proposed amendments will be made as quickly as possible.

In addition, local authority members must comply with a comprehensive regulatory regime with regard to disclosure of political donations, in accordance with the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended. The Act also provides for offences and penalties where a member fails to meet the statutory requirements.

Mr. O'Dowd: I thank the Minister for his response. However, Mr. Justice Smith, the Chairman of the Standards in Public Office Commission, commented in the 2004 annual report on the fact that the Department of the Environment, Heritage and Local Government did not take on board the views of the commission at that time. He stated that effective whistle-blowers' legislation should be in place to promote integrity and honesty in public life and to prevent corruption. The Minister has not taken on board the recommendation that council employees and councillors who report something illegal, improper, unprofessional or unethical should be protected by legislation under a whistle-blowers' charter. The Standards in Public Office Commission asked the Minister's predecessor to accept that suggestion but it has not been done.

Mr. Roche: I am aware of the comments made by the SIPO commission. My major concern is the evident lacuna which was demonstrated in

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this House in a number of contributions in recent months. I will continue to keep my eye on all aspects that touch on the issue of public confidence in the elected or administrative sides of local government. The current arrangements I have with the SIPO commission and which are under review relate to the taking up of consultancies or employment after leaving a local authority.

Mr. O'Dowd: I do not accept the Minister has taken on board the proposals. A whistle-blowers' charter was called for. We have been talking about it since 1999 and it has not happened yet. The Minister is clearly not committing to it now.

While welcoming the code of ethics for both employees and elected members of local government, in England there is a standards board which examines confidence in local democracy. If anyone feels that a councillor or an official has acted in a way that could potentially damage public confidence in local government, he can complain to the board and the board will investigate fully and properly with the ability to fine or suspend and make a full and comprehensive report. Does the Minister agree that this State lacks such a body and establishing it would give greater confidence to those who have complaints about local government?

Mr. Roche: The idea has some merit but it came about in a different set of circumstances in Britain where local government operates on a different basis. The executive functions that are the preserve of officials here are sometimes shared by councillors in Britain and this followed a series of extraordinary corruption cases. It is not always necessary to follow the British model slavishly but the point is interesting and I have read a text on it. It is not germane to the specific question but it is an area of interest at the academic level.

Mr. O'Dowd: This is the Government that has closed down the Freedom of Information Act. Will the Minister think again about closing down transparency and openness in public life in Ireland, which he continues to do?

Mr. Roche: We can discuss it later. It is a very interesting area of discussion.

Mr. O'Dowd: The Minister need not bother.

House Prices.

103. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to address the renewed increase in house price inflation; and if he will make a statement on the matter. [5381/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A consistent element of Government policy has been to promote adequate supply of housing to meet demand. Despite strong demand pressures and increased levels of mortgage lending, house price increases have moderated significantly in recent years from rates of around 40% per annum in the late 1990s. This is attributable to the large increase in housing output that has been achieved, including a new record of almost 81,000 completions in 2005, almost two and a half times the 1996 level. The Government will continue to focus on maintaining overall housing supply at a level consistent with the continuing strong demand and maximising the availability of affordable housing.

Our strong economic performance impacted significantly on housing demand in 2005, particularly through substantial increases in employment and immigration. Demand can also be further fuelled by additional factors such as excessive lending. On a number of occasions since mid-2005, I have expressed concern that developments in mortgage lending might impact adversely on the trend of house price moderation. The Department raised this matter with the Central Bank and I communicated on the matter with a number of lending institutions involved.

While it would not be appropriate to focus unduly on price variations over relatively short periods, there have been recent reports of higher rates of house price increase in the latter part of 2005. I would again like to call on all concerned to pursue prudent lending policies, particularly having regard to the already strong demand pressures in the housing market arising from real demographic and economic factors.

Mr. Gilmore: Does the Minister agree that while there was some degree of moderation in the level of house price increases, house price inflation appears to be taking off again? That was the general thrust of the ESRI and Permanent TSB report earlier this year. Apart from calling on the lending institutions to curtail their lending activity, is the Minister of State contemplating any measures to address the renewed increase in house price inflation?

Mr. N. Ahern: Last year was the opposite of the previous year, where from early 2004, on a quarterly basis, the rate of increase declined. This time last year, experts were talking about a 5% or 6% increase. It seemed, however, that another wave of increases took place as the year went on. We do not have our own figures for the fourth quarter but the ESRI figure would have increased 1% on the previous year, where its prediction might have been there would be a drop. The third and fourth quarter saw increases once more, which might be due to extra numbers in employment, more people entering the State and 100% mortgages and other products.

What are we doing about it? Our policy in recent years has been to encourage supply because only by having supply to meet demand can the problem be solved. We are doing everything to maximise supply while putting schemes in place to help those caught in the affordability gap.

Mr. Gilmore: I do not understand the Minister of State's emphasis on 100% mortgages, which after all only give a benefit to those at the poorest end of the market who cannot afford to get a mortgage any other way.

Looking at the 80,000 houses built last year, half of them were bought by investors and 15,000 of them were second homes which are hardly reliant on 100% mortgages. Will the Minister of State explain why he places such emphasis on the 100% mortgage which is used by those who are stretched to pay for their first house? If the law of supply and demand means anything, and supply is increasing dramatically with more than 80,000 units built last year, why have house prices continued to rise? Even in a year where the level of supply increased so much, house prices surged again. Has the Minister of State studied this? Something is happening that does not make economic sense.

Mr. N. Ahern: House prices entered another cycle of increases during the year because of three factors. There are 90,000 extra people working in the economy, 70,000 extra have entered the State and some financial institutions have an overly generous approach. Credit is by definition inflationary. It is not just 100% mortgages; there are interest only mortgages and terms of 35 and 40 years. Some people are even talking about inter-generational mortgages.

Mr. Gilmore: Those types of mortgages are not being taken up by buyers of investment properties.

Mr. N. Ahern: No, they are being taken up by everybody.

Mr. Gilmore: The take-up is not in the investor area.

Mr. N. Ahern: The issue is fundamentally one of demand. The economy and credit are booming. We are trying to meet strong demand and the only way to do so is to tackle supply. At the same time, we are not losing sight of those who are being squeezed out of the market. I have been invited to attend an open day on the northside of Dublin tomorrow to view affordable houses which are being sold for €165,000. In addition, houses built in Clondalkin and Tallaght as part of a land swap for property on Harcourt Terrace are being sold for €142,000 for a two bedroom property and €172,000 for a three bedroom property. Houses are being provided at affordable prices. The fundamental issue is to meet demand and we are doing everything in our power to encourage developers to increase supply.

Waste Management.

104. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will introduce legislation to ban incineration. [5471/06]

Mr. Roche: The short answer to the Deputy's question is "no", as I do not propose to introduce legislation on the lines suggested in the question. Incineration with energy recovery forms an important part of a modern, integrated and sustainable approach to waste management consistent with the internationally accepted waste hierarchy. Its role is fully recognised within the European Union environmental framework which, moreover, regulates waste incineration in accordance with strict environmental standards. This approach is the world's gold standard.

The Scandinavian countries, Germany and the Netherlands, which are often cited as adhering to the highest environmental standards and providing a model of best practice, use incineration with energy recovery as a key part of their approach to solid waste treatment. They combine this with extremely high levels of waste recycling to minimise the amount of residual waste landfilled. They also count combined heat and power — CHP — as a form of recovery because energy is recovered. This is a model which Ireland should also move towards, attaining the highest possible levels of recycling, incinerating non-recyclable waste with energy recovery in the form of electricity, district heating or both and landfilling only a small proportion of inert waste.

Ireland has significantly increased its recycling levels in recent years. While municipal waste recycling has increased from only 9% in 1998 to a current level of 34%, this alone does not prevent a growing volume of waste going to landfill because the general level of waste is increasing. It is evident that if we are to make further progress in diverting waste away from landfills, we need to focus more on waste minimisation and reduction as well as energy recovery through incineration.

At a minimum, waste to energy plants are subject to stringent emission limits provided for in the EU incineration directive. The certification issued recently by the Environmental Protection Agency imposes even more stringent requirements.

It is worth recalling that, although Ireland has no municipal waste incinerators, ten industrial incinerators are currently licensed by the Environmental Protection Agency. If these were closed down by a ban, significant job losses would follow and foreign direct investment would be adversely affected, outcomes Deputy Morgan and his party would not welcome. The nine such

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incinerators which operated in 2000 when the agency carried out its inventory of dioxin emissions were estimated to contribute a tiny fraction of such emissions nationally. A 2010 projection, which assumed the operation of a number of large scale municipal waste incinerators, suggested they would account for less than 2% of dioxin emissions to air.

I am confident there are no grounds to impose a blanket ban on incineration. I am also satisfied that incineration with energy recovery operating to modern standards and using best available technology has an important role to play within an integrated waste management approach.

Mr. Morgan: Does the Minister accept that many scientists reject incineration as a flawed process which results in the emission of some of the most dangerous, toxic dioxins known to humankind? Does he agree the incineration industry has been given an easy ride here because the Minister crumbles to its every whim? I asked him a specific question about Indaver Ireland to which he has given permission to import waste to Carranstown from outside the region. This is an example of buckling to the industry.

In light of the Minister's comments, which I understand are on record, that he would not accept incineration in his constituency, how does he expect other communities, for example, in Ringaskiddy, Ringsend and Carranstown, to accept the same proposition?

Mr. McCormack: He has changed his mind on the matter.

Mr. Morgan: Would it not be preferable to take the "reduce, reuse, recycle" approach, which involves educating the wider community to move away from the poisonous incineration process?

Mr. Roche: Regrettably, there is no zero waste option. While remarkable progress has been made in the area of waste reduction and recycling, this will not solve the waste problem and it is fatuous for the Deputy to suggest otherwise. If Deputies Morgan or McCormack wish to check the record, they will learn that I stated that if I were asked to tolerate a very large landfill or a well run modern incinerator, I would choose the latter.

Mr. O'Dowd: The Minister got rid of the former.

Mr. Morgan: That is not the statement which has been attributed to the Minister.

Mr. Roche: Did I say it the wrong way around?

Mr. Morgan: The cat is out of the bag.

Mr. Roche: I would much prefer to live next door to an incinerator than a dump.

Mr. McCormack: Does that mean the Minister is in favour of an incinerator in County Wicklow?

Mr. Roche: As I stated, if the choice was between one or the other——

Mr. McCormack: The Minister should leave dumps out of the equation.

Mr. Roche: Deputy Morgan also asked whether there is scientific opinion to support his hypothesis that a blanket ban on incineration would be a positive development. While that may well be the case, there is also a vast preponderance of scientific evidence to suggest the type of blanket ban the Deputy proposes would be economically untenable, result in the closure of several important industries here and would not solve the long-term problem of our waste stream.

Mr. Morgan: Will the Minister at least accept a moratorium on the development of incinerators, pending a further investigation into the scientific, environmental and health consequences of such a disastrous, poisonous process?

Mr. Roche: I can think of many disastrous, poisonous processes which might by closer to home in the Deputy's case than incineration.

Mr. Morgan: Such as.

Mr. Roche: The answer to the Deputy's question is "no".

EU Directives.

105. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he is prepared to take on revised advice from Teagasc relating to the nitrates regulations; if he will allow such revised advice to alter the regulations; and if he will make a statement on the matter. [5795/06]

Mr. Roche: The need for the regulations arises from the 1991 EU nitrates directive which imposes specific obligations on all member states to protect waters against pollution from agricultural sources. As Deputies are aware, a 2004 judgment of the European Court of Justice held Ireland to be in breach of the directive by failing to implement a nitrates action plan. As a result of this judgment we are open to the risk of daily fines. The new arrangements for the single farm payment are also linked to the implementation of the nitrates action plan. I am sure Deputy McCormack would not wish to place this payment in jeopardy.

In Ireland some 72% of all phosphorus and 83% of all nitrate inputs to waters are attributable to agriculture. It is essential that we address the known environmental problems affecting surface and groundwater quality. This is important to every household which depends on

groundwater, in particular, for domestic or farm supply. It is also right, of itself, to take control of a problem we have had for many years.

The regulations provide for fertilisation standards for nitrogen and phosphorus consistent with the environmental standards set by the nitrates directive. These are also in line with good agricultural practice and the agronomic requirements of crops as set out by Teagasc. The application of fertilisers in excess of crop needs is economically wasteful and environmentally damaging.

Subsequent to the making of the regulations, Teagasc indicated it may be possible to review part of its advice on crop nutrient requirements in a way which could improve the effectiveness of the regulations. My Department secured agreement with the European Commission that there is merit in allowing time for this additional advice to be elaborated. To this end, I announced a brief *de facto* deferral of Part 3 of the regulations. My colleague, the Minister for Agriculture and Food, and I jointly made it clear that if revised phosphate tables were brought forward and supported by robust underlying science, I would make a case to the European Commission for revising the current limits. Any new formulation will need to respect environmental requirements and meet the requirements of the directive.

Regarding nitrogen standards, in agreement with farming representatives and in accordance with the Government's commitment under Sustaining Progress, Ireland is pursuing a derogation from 170 kg to 250 kg organic nitrogen per hectare with the Commission. The derogation is of vital interest in particular to 10,000 dairy farmers. Achievement of the derogation is crucial and nothing should be done to jeopardise the derogation negotiations. Any action that delays or impedes progress on the derogation would do a huge disservice to dairy farmers.

Teagasc has not been specifically requested to review its advice on nitrogen issues. However, to the extent that its revised submission on crop nutrient requirements suggests further beneficial adjustments to the regulatory regime, these will of course be considered. The possibility of such further adjustments will also depend on their respecting the environmental requirements involved and on their acceptance by the European Commission.

Mr. McCormack: I thank the Minister for that extensive information, most of which I did not ask for. Given that the Minister and his officials are on record as stating that they would receive revised advice from Teagasc and that last week the Teagasc representative advised the Oireachtas Joint Committee on Environment and Local Government that it was prepared to review the nitrates table if asked to do so, has the Minister asked it for this advice or will he do so? If he asks for such advice, will he give a guarantee to the House to take it on board? Will we see changes to elements of the directive which relate to both phosphorus and nitrates?

Mr. Roche: I have not yet received advice or proposals from Teagasc for amendments of the regulations. Any advice received by Teagasc would be carefully considered by me and by the Minister for Agriculture and Food. I cannot give any commitments regarding advice which has not yet been formulated or received.

Mr. McCormack: Has the Minister asked for it?

Mr. Roche: I understand there was a proposal or suggestion that Teagasc might be willing to provide some additional information. As I stated in the reply, anything that is supported by robust science will be examined. However, it must be supported by robust science as otherwise we would be deluding ourselves and doing a grave disservice to Irish agriculture.

Mr. McCormack: What progress has the Minister made in securing a derogation above the 170 kg level? When will this be secured? What is the Minister doing to address all aspects of water pollution, not just those applying to farmers but especially to local authorities? Has the Minister sought advice on discharges from washing machines using washing powders? Has he met washing powder manufacturers to ascertain what can be done to avoid or eliminate the pollution caused by washing machines that feed into septic tanks, which is not the place for such outflows?

Mr. Roche: I refer the Deputy to my earlier answer. Some 72% of all phosphorus and 83% of all nitrate inputs into water in Ireland come from agriculture. There is no point in slithering around the place and trying to avoid those facts.

Mr. McCormack: Farmers also have washing machines.

Mr. Roche: I agree with the Deputy that the derogation is the most important point. The derogation deals with the nitrates side of the issue and is the most critical issue. The Commission has agreed to allow me to continue with the negotiations on the derogation. The regulations needed to be signed on Sunday, 11 December, which I did, in order that the following day we could go to the nitrates committee, which is made up of representatives of all member states. That was the only way we could open the derogation negotiations. The Deputy asked when these would be concluded. They will not be concluded until a fully operative nitrates regulation is in place. If Teagasc produces robust scientific input, I will take it to Brussels. However, it will need to be based on robust science to avoid the confusion we have had in recent times. In the derogation negotiations we will need to have very fair and unequivocal material.

Mr. McCormack: Does the Minister disagree with the advice he has received from Teagasc?

Register of Electors.

106. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the action he has taken to date in 2006 in respect of the concerns raised in Dáil Éireann regarding the inadequate maintenance of the electoral register; the local authorities which have been consulted to date in 2006 on this matter; the proposals he has drawn up to deal with this problem; when he intends to publish such proposals; when he intends to bring in legislation to correct the problems that the Government has acknowledged exist with the electoral register; and if he will make a statement on the matter. [5382/06]

Mr. Roche: In law, preparation of the register of electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the register. On 28 June 2005, when the House last discussed this issue, I confirmed that I share the concerns that have been expressed on the quality of the register. Since then I have taken a number of steps. The Department of the Environment, Heritage and Local Government wrote to registration authorities on 14 July and requested them to take all necessary steps to secure significant improvement in the quality of the register. A national awareness campaign was conducted in November associated with preparation of the register that is about to come into force. In November also, the Department completed work on new and updated guidance for registration authorities on preparing and maintaining the register. The aim of the guidance is to secure significant improvement in the accuracy and comprehensiveness of the register by setting out clearly the legal requirements in this complex area and identifying best practice for registration authorities in their work on the register.

The draft guidance has been circulated for comment to all registration authorities and returning officers and to the Oireachtas Joint Committee on Environment and Local Government, which discussed the guidance in December. Following this consultation process, the Department of the Environment, Heritage and Local Government is finalising the guidance. However, in view of the importance of securing improvements in the register, registration authorities have also been asked to proceed to implement the draft guidance with immediate effect. I will continue to keep these important issues under close review.

Mr. Gilmore: Will the Minister accept that it is not guidance that the local authorities need in many cases, but the resources with which to compile the register, particularly in areas with rapid housing development and population movement? In this regard, why did he refuse Kildare County Council additional resources which it requested because of the difficulties it is having in compiling its electoral register?

Will the Minister consider finding a way to avail of the census of population that will take place later this year? Every house will be visited by a census enumerator and it would represent a reasonable way by which we could end up with an accurate electoral register. We now have an electoral register which contains 20% more entries than people aged more than 18 in the country. Everybody involved in the political process accepts that the electoral register is in a mess. I have asked about the provision of additional resources for local authorities where they need them — some need them more than others for this purpose. I also asked him to consider the opportunity the census provides to tidy up, correct and produce an accurate register of electors.

Mr. Roche: I will take the second point first. I am not sure if it is possible to use the census of population, which has a very specific focus. It is an interesting thought. I am open to any suggestion that might work. Regarding Kildare, as the Deputy knows, I have allocated a huge increase in the resources of local authorities in the past two years — the Government has been in the fortunate position to do so. For example the general purpose grant this year totalled €875 million, of which Kildare County Council got more than its fair share. This represents an increase significantly higher than inflation. Kildare County Council was the only local authority to make a request of this nature. Like every other local authority, it has a variety of sources, including commercial rates, rents, fees, charges and a variety of other income streams of which it can avail to do this work. The total cost on all local authorities in 2004 for work associated with elections was €6.8 million. It was €4.7 million in 2003 and €3 million in 1994. In the context of local government funding, which this year runs close to €9 billion, that is not a huge imposition.

Mr. Gilmore: We are reaching a point where I am reluctant to ask a supplementary question because the Minister takes the opportunity to clap himself on the back. My sole point on resources is that because of the level of development taking place in their areas and the increase in the number of houses, population movement, rental and so on, some local authorities are having more difficulties than others in more settled areas. I am simply asking the Minister to re-examine the needs of those local authorities. It is significant that the only request of this type he has had is from a local authority in whose area that type of increased development is taking place.

Since the Minister responded half positively to the suggestion about the census, will he consider

agreeing to allow Government time to consider the Private Members' Bill in my name on the Dáil Order Paper, which addresses the electoral register and proposals whereby information available to State authorities for various purposes could be used in the compilation of an accurate electoral register and to ring-fence that information to ensure it is only used for that purpose? Will he agree to that amending legislation? I am sure the Minster will agree it is unconscionable that we would go into the next general election with an electoral register that is 20% inaccurate.

Mr. Roche: I would not disagree with the Deputy on the last point because, frankly, some local authorities are not doing a good job, although others are doing an excellent job.

With regard to the reference to Kildare County Council, which features frequently in the affairs of this House more for criticism than anything else, I have made the point about the resources.

With regard to the Private Members' Bill, I leave that matter to the Whips but there is an issue we discussed previously, that is, PPS numbers. I have said previously that I see the value in that but there are significant problems in using them.

Other Questions.

EU Directives.

107. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government if the nitrogen element of the nitrates directive as it applies in Irish law will be reviewed; and if he will make a statement on the matter. [5293/06]

112. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if he has received reviewed or additional scientific information regarding the provisions of the EU nitrates directive, particularly in relation to nitrate and phosphate levels from agricultural waste; and when he expects to publish the deferred regulations in relation to the EU nitrates directive. [5300/06]

Mr. Roche: I propose to take Questions Nos. 107 and 112 together.

As indicated in reply to Priority Question No. 105 on today's Order Paper, the regulations which give effect to Ireland's nitrates action programme under the nitrates directive provide for nutrient management planning in line with the environmental requirements of the directive and long-standing guidelines published by Teagasc.

I also said that Teagasc has indicated that it may be possible to review part of its advice on crop nutrient requirements in a way which could improve the effectiveness of the regulations. My Department secured agreement with the European Commission that there is merit in allowing time for this advice to be elaborated. It will have to be a very short period of time because as long as this process goes on, it will delay the negotiations on the derogation. I am sure the Deputy will agree that that is something none of us would wish to consider. To this end, I announced the *de facto* deferral of Part 3 of the regulations. I and my colleague, the Minister for Agriculture and Food, Deputy Coughlan, jointly made it clear that if revised phosphate tables are brought forward by Teagasc and supported by robust underlying science, the Government would be prepared to make a case to the Commission for revising the current limits. Any formulation, and it is important to be accurate and truthful in this, would have to respect the environmental requirements associated with the nitrates directive. I am not sure what will come out of that further elaboration and I look forward to receiving material from Teagasc.

In regard to nitrogen standards, in agreement with farming representatives and in accordance with Sustaining Progress, Ireland is pursuing the derogation from 170 kg to 250 kg. That is critically important to farmers but, more particularly, it is important to dairy farmers. Deputies will understand the reason that is the case. It is crucial that we do nothing to jeopardise that set of negotiations. I did not make the point to Deputy McCormack but I make it now. Until we appeared to be moving off course yet again on this issue there were signs of much good will from the Commission. I believe that if we get on track with our negotiations and focus on that, we will be able to get the derogation but the exact date will depend on when we finish our work.

Teagasc has not been specifically requested to review its advice on the nitrates issues. However, to the extent that its revised submission on crop nutrient requirements, which is still awaited, suggests any further beneficial adjustments to the regulatory regime, these will be considered. The possibility of such further adjustments will also depend on its meeting the environmental requirements in the directive and also on them being approved by the Commission.

Ms Enright: Why has Teagasc not been asked to review the advice on the nitrogen rather than the phosphorus element? Has the Minister considered any changes to the nitrogen tables? Teagasc has said it is prepared to review that aspect of the issue. Will the Minister formally ask Teagasc to review that area in addition to the other area he mentioned?

Mr. Roche: I understand the gentleman from Teagasc, who has been very helpful in recent times, offered the information. I am not standing on ceremony on this issue. I want to do the best for farming but I also want to bring to an end to the nonsense that has gone on in this country about the nitrates directive. The reality is that we

[Mr. Roche.]

have boxed ourselves into a serious corner. We are the last country to sign up to the nitrates directive. We have already lost a case in the European Court of Justice. We face daily fines and interference with the single farm payments and we will not be able to progress the derogation. In those circumstances, it is not rocket science to determine the best way of progressing to service farming.

To be clear, Teagasc proffered some additional advice on the issue of phosphates following the signing of the regulation. It has been invited specifically to do so quickly and in a concerted way. It has been asked to bring robust science to us and if it does all of that, we will be able to take it back to the Commission. I am awaiting material from Teagasc and when I receive it I will deal with it.

Mr. Gilmore: I was interested to hear the Minister say that he wanted to do his best for farming. I would understand that comment if it had come from the Minister for Agriculture and Food. If the Minister for the Environment, Heritage and Local Government takes that particular role in the matter, who is doing the best for the environment? We are taking about the pollution of water from fertilizer run-off from land and the physical waste from poultry farms, pig farms and so on going into ground water, rivers and lakes. I understand the farming interest and the concerns of agriculture in this matter but if the Minister for the Environment, Heritage and Local Government believes his role is to do his best for farming, who is defending the environment? Also, when will the advice Government got from Teagasc be published? Surely it is time it was in the public domain. Teagasc appears to be of the view that the advice it gave the Minister is a State secret.

Mr. Roche: The material, particularly the tabular statements which are the issue here, comes from published Teagasc material. There is no mystery about it. It is a transposition of advice that is long published. It comes from Teagasc's green book. There has been some modifications in those tables but the modifications have been upwards.

With regard to the comment about who is doing the best for farming, this is a very difficult time for farming. It is important that we apply this directive. I compliment the Deputy for making his points so accurately because there are some people in this House who would ignore them in terms of the dangers to drinking water and water in general, which is the purpose of the directive. That is why I, as Minister, have signed this regulation. It is 13 and a half years late, and a variety of Ministers before me could have done it but did not. The former Minister, Deputy Noel Dempsey, did a huge amount of work on this and almost came to the point where he could have signed off on it. To be frank, if it had been signed off then we would have been in a better position than we are now, and credit should be given to Deputy Noel Dempsey for that.

Mr. Gilmore: Why did he not do it?

Mr. Roche: The Deputies know the reason. At that time there was not the degree of agreement on it.

In this process I have listened carefully to what farmers and my advisers have said about how to protect the environment and reach a balance. I do not want to apply the regulation and finally bring this hiatus to an end in a way that damages farmers, nor would the Deputy or his party wish that either. One has to implement the directive — I have set about doing that — but one has to do it in a way that is conscious of the challenges that raises for farmers.

4 o'clock

Mr. Naughten: Is it not the case that due to three separate REP schemes over 15 years and the good farming practice guidelines introduced in 1996 water quality has dramatically improved in that period and we have the best quality ground water and river water in the entire EU and are one of the top 25 in the world? Is it not the case that Dr. Cross said at a meeting of the Joint Committee on the Environment and Local Government last week the nitrogen tables need to be reviewed and that he was prepared to review them if the Minister requested Teagasc to do so? At this late stage will the Minister ask Teagasc to review the tables? Is it not the case that every other country that made an application for a nitrates derogation has had to wait years to have it approved? Does the Minister believe we can succeed in getting it in six months? Is the Minister aware of research in the UK where similar samples were sent to four separate laboratories to analyse the nitrogen content of soil and the variation was between 63 kgs and 133 kgs of nitrogen per hectare? How can the tables be consistent given that type of inconsistency on a scientific level?

Mr. Roche: I do not want to continue to focus on this issue because it is not helpful — so much has been said by different persons from Teagasc that it is not helpful because we have had different statements from time to time in the recent past——

Mr. Naughten: The Minister promised to be helpful.

Mr. Roche: I am simply telling the truth and telling it as it is.

Mr. Naughten: Publish the scientific evidence.

Mr. Roche: I will be absolutely straight with the Deputy.

Mr. Naughten: Will the Minister publish it?

Mr. Roche: If everybody spoke with a single resolve on this issue it would be far better for farming. The green book from Teagasc, as the Deputy should be aware as he speaks on agriculture, has been published. It has been the standard and that is what is transposed——

Mr. Naughten: Will the Minister publish——

Mr. Roche: If the Deputy as an agriculture spokesperson for a party that prides itself in this regard——

Mr. Naughten: Will the Minister publish the information presented to him?

Mr. Roche: ——does not know that, God help us. The Deputy's second point relates to one of a series of statements made by Dr. Cross who did say everything in this directive was agronomically sound. The Deputy asked the length of time it would take for a derogation. I was absolutely confident we would be able to obtain this derogation within a rapid timescale until the latest issue arose. I will have to take whatever science comes from Teagasc on this issue. If there is any equivocation about it, it will not be helpful to farming. I hope the temporary suspension of Part 3 will be a matter of weeks not months. If Teagasc can produce robust science we will go back to the Commission and deal with it at that stage. I am not prepared to tolerate undue delays which will put the derogation under threat. The Deputy, as a spokesperson on agriculture, will agree that particularly on the nitrates side the number one priority must be to get the derogation increased from 170 kg to 250 kg, because otherwise one would be arguing a case for damaging a huge number of farmers, particularly in dairying.

Mr. Naughten: Is it not the case that water quality has improved?

Mr. Roche: The Deputy is correct. Water quality in this country has improved dramatically. It is also a fact that the highest preponderance of phosphate and nitrate contamination comes from agriculture.

Mr. Naughten: Without the nitrates directive——

Mr. Roche: That was the point to which Deputy Gilmore adverted. The Deputy is correct that farming alone should not be blamed for contamination of water. There have been other sources but there has been a huge amount of investment in addressing those other sources and we need to deal with the last outstanding source.

Mr. Naughten: In the context of water quality in the EU.

National Spatial Strategy.

108. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the progress to date in 2006 on the national spatial strategy; if he intends to review the national spatial strategy; and if he will make a statement on the matter. [5270/06]

122. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government the status of the national spatial strategy; and if he will make a statement on the matter. [5251/06]

Mr. Roche: I propose to take Questions Nos. 108 and 122 together.

At national level substantial progress is being made in implementing the national spatial strategy, which is having an increasing influence on policies and programmes across a range of Departments and agencies. At regional level, a key policy bridge between national development priorities and local planning has been put in place with the adoption of regional planning guidelines to provide a strategic framework for local planning. At county and city level, strategic land use and planning frameworks for a number of gateways are in place and work is well advanced on others.

The potential impact of the strategy in terms of achieving more balanced regional development has been underscored by the Government's decision in July 2005 that the regional dimension of the next national development plan, now in preparation, will be broadly based on the NSS. The priorities of the NSS and regional planning guidelines have also been recognised in the Government's ten-year investment plan for transport, Transport 21.

In leading the implementation of the NSS it is my intention to ensure it continues to inform the macro-investment agenda. To support the development of the NSS gateways, my Department in conjunction with Forfás, has commissioned a major report, now nearing completion, on their potential for accelerated development in housing, commercial and employment terms and the key infrastructure priorities that will be necessary to facilitate such development. Similar work is also being undertaken in relation to the hubs identified in the NSS. Work on a feasibility study to further develop the concept of an Atlantic gateways corridor, with enhanced linkages and networking between Cork, Galway, Limerick-Shannon and Waterford, is also nearing completion.

My Department, in co-operation with other relevant Departments, is also pursuing measures to enhance co-operation on spatial planning and infrastructural investment across the island of Ireland, as endorsed by the British-Irish Intergovernmental Conference. In conjunction with the Department of Regional Development in

[Mr. Roche.]

Northern Ireland, a framework is being developed for collaborative action between the NSS and the Regional Development Strategy for Northern Ireland, thus creating conditions that will facilitate enhanced competitiveness on the island as a whole.

I am satisfied the national spatial strategy provides a strategic planning framework which is of sufficient robustness and flexibility to cater for changing circumstances, including the most recent CSO national population estimates which suggest a population of up to 5 million by 2020. It is not proposed to review the strategy at this stage.

Mr. O'Dowd: I welcome the Minister's response. I am not being rude but I cannot hear the Minister clearly. It may be the way the sound is being transmitted. It is distorted on this side.

Mr. Roche: Actually——

Mr. O'Dowd: It might be my earphones. Perhaps the Minister should move to the Taoiseach's position.

Mr. Roche: Modesty prevented me from doing that but I will do it now.

Mr. O'Dowd: I suggest we need somebody there at whom we can have a good laugh. I say that as a joke. I welcome the Minister's comments although I did not hear them all clearly. However, I note that he mentioned a report that he has commissioned and which will be ready shortly. I ask the Minister to put it in the public domain as soon as possible. I welcome his commitment on the North-South issue of spatial strategy. Recently, I attended an SDLP conference on North-South spatial strategy which was useful. The problem, and this is one the Minister would have in commuting too and from Dublin City, is that our roads on the east coast are continually clogged. No matter how early one rises in the morning one can still have to wait at least an hour or an hour and a half to get through the hub or the gateway into the city at the port tunnel. The east coast is being developed exclusively. It is no longer sustainable to live along the east coast. If people have to travel their commuting time takes longer and their contact times with families are short. I ask the Minister to accelerate his commitment to the regional hubs and particularly those hubs and growth centres in the west and the transport corridors thereto, because that is where we can share the wealth and the prosperity of our nation by bringing the jobs to those areas rather than locating them all in Dublin.

Mr. Roche: I apologise for the sound problem. I could hear that there was a difficulty. With regard to the gateways generally, the Department is working with Forfás on a report which will look at the infrastructure needs. The Deputy is correct. The whole purpose of the national spatial strategy is to produce a much better balance on the island. There was a noise when I was making that point.

On the Atlantic corridor, which would be of particular interest to Deputy Ring, who put the question, the feasibility study is to consider the enhanced linkages and networks between Shannon and Limerick, Cork and Waterford cities. This study is nearing completion and it will be well worth debating when it is completed.

I agree with Deputy O'Dowd regarding his patch, the north east, and that of Deputy McGinley, the north west, in that one should consider the difficulties posed in those regions by the abomination that is the Border. I was in Clones yesterday and, as both Deputies will know, it has been hit extremely badly because of its location. North-South co-operation, or all-island co-operation, could be very beneficial and could result in a win-win situation. I agree with the Deputy that this is an important area.

Ms C. Murphy: Does the Minister agree that the key issue regarding the national spatial strategy concerns the availability of zoned land and the market in terms of where people want to purchase houses? Has the Minister produced any figures relating to the capacity of land on the east coast that has been rezoned but not yet built upon?

The Minister stated the national spatial strategy was being used as a means of evaluating the need for infrastructural projects. It was presented as a means of delivering in respect of leisure, education and various infrastructural projects, for example, by way of drawing development from the east coast to other areas. To what extent is the strategy being used in this regard? It seems there is a considerable amount of catch-up in areas subject to a high level of development. It is very difficult to see how the resources can be spent in the two places at the same time.

Mr. Roche: The Deputy, like me, represents a constituency very much affected by the spill-over from Dublin. Let me give a couple of examples of how the national spatial strategy links directly into that. The five-year capital investment envelopes which have been agreed reflect the strategy. It is particularly important to find out the infrastructural needs regarding the western corridor. The high density rail-based corridor in Cork is directly related to the strategy and is providing additional public transport to 20,000 homes.

The national spatial strategy has significance even within the Dublin area. On the creation of a more compact Dublin, the idea behind the plans for Dublin city, Fingal, south Dublin and Dún Laoghaire-Rathdown is to promote substantial housing output in those areas. However, one encounters problems other than those I have mentioned and Deputy Gilmore will be able to

speak at length on the problems associated with increased density in his constituency. Getting the balance right is a challenge but the national spatial strategy is a good template against which to do so.

Mr. Gilmore: I understood the national spatial strategy would have to be driven and I recollect that the Minister's Department was to be the lead engine in driving it. Will he tell us how this is done? I do not see anybody in charge of the strategy. I hear it mentioned from time to time but cannot recall a single decision made by a planning authority or the Government that would not have been made in any case. No planning decision that I can recall turned on the existence of the national spatial strategy.

Mr. Roche: I disagree with the Deputy. There have been many cases in which the strategy——

Mr. Gilmore: Decentralisation——

Mr. Roche: The first planning decision I made last year concerned the scale of retail units. We made a specific——

Mr. Gilmore: That concentrated development in Dublin.

Mr. Roche: No.

Mr. Gilmore: The national spatial strategy was to spread development to the regions.

Mr. Roche: A specific relationship was established between that and the hubs and gateways. There was a specific cross-reference——

Mr. Gilmore: Are we to have an IKEA at every gateway?

Mr. Roche: Yes, one can have that type of development——

Mr. Gilmore: They are moving back into the city centres in the United Kingdom.

Mr. Roche: ——in each of those areas.

Mr. Gilmore: They are getting smaller.

Mr. Roche: I am sure the Deputy, like me, welcomes the prosperity that will come to Ballymun.

Mr. F. McGrath: Rezoning.

Mr. Roche: Each of the major investment decisions refers back to the national spatial strategy. Under Transport 21, many of the detailed planning issues are related specifically to the strategy.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Mr. McGinley): 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 O'Sullivan — the need for the Minister to restore home tuition grants to children with autism who are attending school; (2) Deputy Lynch — to ask the Minister the reason grant aid funding has been withdrawn from Feis Maitiú, Cork; (3) Deputy Pat Breen — the need to subsidise the operations of Iarnród Éireann between Ennis and Galway and subsequent routes on the western rail corridor; (4) 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; (5) Deputy Naughten — the date the Minister became aware of the contents of the report by the Food Safety Authority of Ireland into the mislabelling of imported food products; (6) Deputy Gilmore — that the OPW stop work on the erection of a new telecommunications mast at Shankill Garda station, County Dublin; (7) Deputy Allen — the funding of the new airport terminal at Cork Airport; (8) Deputy Sherlock — the need for the Minister to confirm whether beet growers and the Irish sugar industry will be liable for a €25 million restructuring levy in 2006; (9) Deputy Finian McGrath — the Stardust fire tragedy in Artane on St. Valentine's Day, February 1981, and the urgent need for a fresh inquiry; (10) Deputy Peter Power — the reasons a custom-built, modern six-unit residential facility (details supplied) in County Limerick has not been fully opened; (11) Deputy Ring — the action the Taoiseach will take if the McCain-Kennedy Bill is not successful and if it does not get passed on Committee Stage; (12) Deputy Neville — Adare sewerage scheme; and (13) Deputy Connaughton — the matter of the undocumented Irish emigrants in the USA who can see no great advancement in their cases being solved in the immediate future by the US authorities, and to ask the Taoiseach and the Minister for Foreign Affairs to make a special case to President Bush at the St. Patrick's Day ceremony to expedite the Kennedy-McCain proposals, currently before Congress, which will greatly help the Irish emigrants.

The matters raised by Deputies Naughten, Peter Power, Deenihan and O'Sullivan have been selected for discussion.

Leaders' Questions.

Mr. Kenny: Sometimes when one comes into the Chamber to ask Leaders' questions, one is expected to be entirely political, but today I believe I speak for everybody in the House in saying I feel really saddened at the events that led to the death of two young boys and their mother yesterday evening in Firhouse.

[Mr. Kenny.]

I would like to refer to another tragedy in the House today because, in referring to it, I also believe I can speak for everybody in the House. The 25th anniversary of the Stardust tragedy was marked in the past two nights by RTE in compelling programmes that made heart-breaking viewing. All parents who watched them had their hearts in their mouths and as they watched they knew something the young men and women who were getting ready for a night out at the Stardust did not know, that is, that they would never come home. It is all too easy for those of us who are parents to thank God that they were not our children or that we were not involved. It is unimaginable for parents to think of what is must be like to live through such a tragedy for even one day without knowing the truth or the reason it occurred, yet the parents of the 48 young people who lost their lives in the Stardust have had to live through and endure not one but 9,000 days without knowing the truth and without closure on this tragedy, the saddest ever to happen in Dublin.

Nobody in this House can deliver the young lives back to their people — it cannot be done. One of the people directly involved said to me that when the remains were carried out of the Stardust, they were stripped of their clothing and, as a consequence, stripped of their dignity. The hundreds of telephone calls received from all over Ireland testify to the deep-rooted feeling that we should try to do something about this and bring a sense of finality and closure to those who have had to live with the consequences of the tragedy for 25 years.

I find it bizarre that a licensed premises with the same name as the one in which the young people congregated before the tragedy is opening this evening and that an application exists for a development on the same site. I know the families of those who lost their lives have sought a meeting with the Taoiseach for some time. He is not a person who shirks meetings. In the interests of doing something positive about this now, will he consent to attending a meeting with the families at an early stage? It is important that he should hear their views in light of whatever other evidence emerges on "Prime Time" this evening.

The Taoiseach: Like every other Member of the House, I share Deputy Kenny's views on the terrible tragedy that occurred in Firhouse yesterday. In these times, it is not often that an event absolutely shocks everybody, but we all feel for the families of those who died, as well as the extended family and the neighbourhood. It is something that has shocked everybody.

I think I speak for everyone in the House today when I say that our thoughts are with the families of those who died in the Stardust fire, which was one of the biggest tragedies in this country in modern times. People think of the victims at various times, such as anniversaries. That those who died were, as Deputy Kenny said, young people who were out for a night's entertainment at a disco made the tragedy all the more terrible. We think of them particularly today.

I do not want to get into an argument about who looked for a meeting or when they looked for one. My programme manager met the representatives of the families on foot of one particular request for a meeting, but I was not in attendance. I do not have a problem with meeting the families. I have met individual family members over the years at various events. It is clear from the submissions which were made to various inquiries which took place at the time that this is like many other cases. It has not been resolved because clear conclusions have not been reached. It is reminiscent of many events in Northern Ireland, for example, or the Dublin and Monaghan bombings. We all understand that the torment of victims' families continues if closure is not achieved.

The Department of Justice, Equality and Law Reform has forwarded recent correspondence from the Stardust committee about the tragedy to the forensic science laboratory for its consideration. The Department will contact the members of the committee as soon as the laboratory's response to the most recent correspondence has been received. When the committee issued a report to the Department in 2004, it was forwarded to the Garda Commissioner and the laboratory, both of which advised the Department at that time that the report contained no new evidence. The Minister, Deputy McDowell, has said many times that the Department will assist the families in any way it can if new submissions or further information are received.

I understand that tonight's "Prime Time" will outline details of some new forensic evidence. If such information is passed on to the Department of Justice, Equality and Law Reform by "Prime Time" or the Stardust committee, it will be examined fully. It is obvious that the Department will base its approach on the advice of the Garda Commissioner and the forensic science laboratory. That is where it opens. There was a public inquiry into all these matters. It is only on that basis that these matters could be opened up.

Today is a day for remembering those who died, were injured and were traumatised. Many people have lived for many years with multiple injuries. The Stardust tragedy has had devastating effects not only on the families who were affected but also on the extended community in the relevant areas of north Dublin.

Mr. Kenny: I thank the Taoiseach for agreeing to meet the group whenever that is appropriate. I would like to raise two other matters. There have been phenomenal advances in forensic evidence and the capacity to determine DNA in recent years. The remains of five people were buried without their identities being known. A

number of families would like progress to be made in this regard. I understand that tonight's "Prime Time" will deal with information that is already in the public domain as well as some new information.

We need to bring a sense of closure to this matter. It would be too easy to call for another public inquiry. Can I suggest to the Taoiseach that an investigation like that conducted by Mr. Justice Cory would be appropriate in this instance? All the information that is available should be analysed and considered again. A recommendation should be made, based on the findings of a person of repute and experience, on whether an investigation, an inquiry or a tribunal is necessary. That would be an effective and inexpensive way of bringing a sense of finality and closure to this sad saga, in the public interest. It would be of particular interest to the parents of the young people who were in the Stardust, especially those with memories of the 48 people who passed away. Perhaps the Taoiseach will consider an inquiry of that nature if anything of particular interest emerges in the coming days.

The Taoiseach: As I said in my initial response to Deputy Kenny, if information is deemed to be new information, it will be examined. The Minister has made that clear and I am doing so again. The Garda will revisit the investigation that was conducted if the information is new and warrants a re-examination of these matters. The information that was passed on was examined by the Department and especially by the Garda Commissioner and the forensic science laboratory, which employs people who are experts in this regard. They found that the information, which was previously available, was fully addressed by the tribunal at the time. If genuinely new information that stands up to scrutiny becomes available, it will be considered.

Deputy Kenny correctly pointed out that DNA technology has moved on significantly over the past quarter of a century. Substantial resources have been invested in this area over the past 25 years. New issues can be considered in the context of the Stardust tragedy. The issue of a new tribunal of inquiry or examination will not arise unless the information that comes to light is new and was not looked at by the tribunal of inquiry that produced a report at the time. We will see what is made available. The Minister has met and worked with the committee that represents the families when issues have arisen in recent years. The Garda Commissioner and the forensic science laboratory have also worked with the group and will do so again if new issues arise.

Mr. Rabbitte: I join Deputy Kenny and the Taoiseach in offering my condolences to the family in my constituency that was destroyed by a terrible tragedy that visited it yesterday. I wish to associate myself with the remarks which were made by the Taoiseach and Deputy Kenny. What happened to the family in question, which was known in the area as a lovely family, is almost beyond belief.

It seems to me that three separate issues need to be considered as we reflect on the unimaginable grief of those who were bereaved by the Stardust fire. The families in question believe that some legitimate questions have not been answered. Has the Government provided for a suitable vehicle to facilitate the grieving families in getting answers to the legitimate questions which continue to affect them? The second issue relates to the unidentified bodies of five people who are buried in a communal grave. The third thing is whether something like this appalling tragedy could happen again. For the first issue, Deputy Kenny suggested something along the lines of Judge Cory's investigation that may have merit. An alternative is to look at what happened in the Dean Lyons case, which I pursued in this House for many years, including with the present Minister for Justice, Equality and Law Reform. He appointed a senior counsel to review the papers to give advice on what would be the appropriate inquiry or investigation to put in place. In this case, such a senior counsel, appointed by the Minister, would have access to all of the Garda reports and all the tribunal papers. He would be able to advise the Minister whether and what kind of investigation would be appropriate. I agree with Deputy Kenny and I raise this in a politically non-partisan fashion. On the face of it, I agree with what he said about another tribunal of inquiry. It should be noted that the Government demanded that the Widgery tribunal be reopened after 25 years. That may not be a particular good example, but that is our position. The Government has also taken up a position on the cold case review in Northern Ireland.

It is not our job on this side of the House to raise hopes that cannot be met. This is a working class community whose members feel that if it was located in some other part of Dublin, they would not be left floundering for answers. They feel there are legitimate questions that have not been answered and that it should not be beyond the competence of this House to put in place a methodology of investigation that at least seeks to answer some of the outstanding legitimate questions. The Keane tribunal found that the forensic investigation of the site was inadequate. A number of other matters have been raised and we do not know what will come from tonight's programme. The Taoiseach should commit to something either along the lines of Judge Cory or to something like the appointment of Mr. Shane Murphy SC by the Minister to review the papers, assess the evidence and to make recommendations to the Minister about what method of investigation, if any, would be appropriate.

The Taoiseach: These issues have not just been raised for the first time. The committee of the families have been putting forward their sugges-

[The Taoiseach.]

tions and they submitted their report. They had on-going contact with the Department of Justice, Equality and Law Reform which I understand had worked out very well. The report went through the Department and on to the Garda Commissioner and to the forensic science laboratory where it was examined in detail two years ago. They concluded that these issues had been adequately addressed by the tribunal of inquiry. I hear the Members when they state that perhaps that formation is not the best way of looking at it, but it was agreed at the time that this was what would happen. If any new evidence comes forward, the Department has undertaken that it will follow through with the same process. If the present system is not detailed enough and a more structured way is preferred, then I am not ruling that out. However, my understanding is that the information has been examined in great detail by the Department, the Commissioner and by the forensic science laboratory. They concluded that there was nothing new that could open it up.

If the issue of the deceased in the communal grave has not been dealt with, I will raise it again with the Department. My note does not state if this was part of the 2004 report. This is not a case where there was not a detailed tribunal. This was probably the biggest issue at the time. It was the subject of the Keane tribunal, was investigated very thoroughly and remained the subject of on-going changes in so many parts of our legislation such as the Building Control Bill 2005, the fire Bill, other regulations and fire services legislation. The events had a profound effect on how we dealt with other issues. We can never say that a tragedy will not happen, but one can try to make sure that the lessons and the recommendations from the tribunal are taken into account.

If information arises from the programme, the Minister, the Government, the Garda and the forensic science laboratory are prepared to look at it. If that requires some more formalised way of doing it, the Government would not rule it out.

Mr. Rabbitte: The Taoiseach is right in saying that this is not the first time this matter has been raised. Deputy Broughan raised it a couple of weeks ago. However, I read his contribution when he raised it on 14 February 2001 and the answers given then are exactly the same. The Taoiseach says that he is aware of the unanswered questions out there, but we have not put anything in place to seek to address those questions. If this unimaginable horror had befallen another community in a better off part of this city — I hope it never will — there is a feeling that we would have moved faster. It has not escaped people in the area that the first person to get compensation was the owner of the premises. He was successful in suing what is now Dublin City Council for malicious damage. It would be helpful if the Taoiseach gave an unequivocal answer that he will meet the relatives; not his programme manager, nor his Minister for Justice, Equality and Law Reform. It is something he ought to have done before now.

I heard in disbelief this morning — I do not know if it is true — that this opening is going ahead tonight. I find it unbelievably insensitive to put it mildly. I cannot believe that it is true. Will the Taoiseach respond to the concerns expressed by the fire officers recently on the chances of such a tragedy happening again? They raised concerns about the efficiency, efficacy and consistency of the provisions there at the moment. The major recommendation of the Keane inquiry into the Stardust tragedy was that a national fire authority ought to be established. That recommendation was made 25 years ago but it has not been done. The Government brought in consultants in response to Deputy Broughan's pursuit of this matter a few years ago. The consultants reported that there ought to be a national fire authority and the Minister of the day hinted that it would be implemented. It was not implemented. The least we owe the grieving relatives of the Stardust tragedy is to take every reasonable step open to us to ensure no such horror is ever visited on a section of our people again.

The Taoiseach: I do not want to get into an argument about meeting the relatives. One of the relatives continually says they have sought meetings with me, as if they have done so every week and that I will not meet them. That is not the case.

Mr. Rabbitte: I do not want to argue. I just want the Taoiseach to agree to meet them.

The Taoiseach: I have no problem meeting the relatives. However, I do not want the Deputy to think I have refused to meet them. The fact is that only one request was made four years ago. On that occasion, when I was not available, my programme manager met them. Other families have been in contact with me. There is no argument about this. I have no problem meeting the relatives.

It is not the case that nothing has happened in the past five years. The detailed report was prepared on behalf of the Stardust committee and given to the Garda Commissioner and the forensic science laboratory two years ago. Following a series of meetings between representatives of the Stardust committee, the Minister for Justice, Equality and Law Reform, his Department, the Garda Commissioner and the forensic science laboratory, that report was examined in detail. While matters have been ongoing over the years, this aspect was very recent and concluded in November 2004. I reiterate that if new evidence or an issue that requires re-examination arises, the Government will consider it.

With regard to what has happened since the tragedy, last week I read information from the

Department of the Environment, Heritage and Local Government on how the fire service has moved on since that time, the recommendations that were made and the follow-up decisions taken over the life of many Governments, including the Fire Services Act 1981, the Building Control Act 1990, the Licensing of Indoor Events Act 2003 and all kinds of procedures. It was decided not to follow the Keane tribunal's recommendations exactly but to proceed in a different way because it was believed this would be more effective. That is why the agency was not set up. That process has been followed for 25 years and huge resources have been put into it.

Unfortunately, one cannot say such a tragedy will never happen again but progress has been made with legislation, resources and staff. For example, in 1981 there were only four fire prevention officers in the Dublin area whereas there are now 34, with more than 100 working nationwide. A huge number of inspections——

Mr. Sargent: There are just seven in Dublin.

The Taoiseach: There are 34 fire prevention staff working in Dublin compared with four in 1981, and 100 nationwide.

Mr. Sargent: There are seven in the district office.

The Taoiseach: No, I am quoting the figures. All of this highlights the major changes that have taken place.

As it is the anniversary and we are debating the issue in the House, I want to make clear that we want to help the families who have lived with this for 25 years. They have had much engagement with the Garda Síochána in the intervening period. If new issues arise or issues are not fully resolved, we should try to——

Mr. Broughan: The Taoiseach knows there are new issues so why does he not order a commission of inquiry?

An Ceann Comhairle: This is Leaders' Questions. Deputy Broughan is not the leader of his party. He should allow the Taoiseach to speak without interruption.

Mr. Broughan: He knows most of all.

The Taoiseach: If there are new issues, I have spelt out how they can be dealt with.

Caoimhghín Ó Caoláin: I join Deputies Kenny and Rabbitte in an expression of sympathy to the Keegan family and to all those bereaved by the tragedy that occurred yesterday in Firhouse. We are also mindful of the hurt and pain of neighbours in the wider community and of young school friends in that wider catchment.

The Taoiseach referred in his responses to Deputies Kenny and Rabbitte to new evidence concerning the Stardust tragedy of 25 years ago last night, St. Valentine's eve. Does the Taoiseach accept that the conclusion reached by the tribunal that the cause of the fire was probably arson was deeply flawed and had no basis in evidence? When he talks about new evidence, does the Taoiseach note that the basis for a new investigation has existed not just arising from the current series of television programmes but for some five years as a result of details concerning the Garda investigation that were leaked to the authors of the book on the tragedy five years ago? These included key witness statements that were not taken into account by the tribunal when it sat.

There is already a basis for the Taoiseach to agree this point, irrespective of what may or may not arise from tonight's programme. I join the appeal to the Taoiseach to meet the relatives of the Stardust victims.

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

Caoimhghín Ó Caoláin: He should not wait, if he is suggesting there is a difference between a knock on the door and a request, but should indicate openly that he will invite the relatives to meet him. That would be appropriate and he would have all our support and endorsement for such a stance. I urge the Taoiseach to put in place a new investigation, which is critical.

Does the Taoiseach agree it was an obscenity that the owners of the property received massive compensation while the only person hauled before the courts was the singer and songwriter, Christy Moore, whose song on the tragedy was banned in the courts at the behest of the owners of the Stardust ballroom?

Does the Taoiseach not recognise that 25 years after the Stardust tragedy, there are just 11 fire brigade ambulances in the greater city and county of Dublin plus a small complement of Health Service Executive ambulances catering to a population of in excess of 1.1 million?

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

Caoimhghín Ó Caoláin: Does he agree that this is totally inadequate and that the only appropriate response is to recognise that every step must be taken to avoid a recurrence of such a tragedy? I want to know what steps the Government is taking in this regard.

The Taoiseach: While I do not want to repeat myself, I will make the following points. The committee that had ongoing meetings with the Minister for Justice, Equality and Law Reform and his officials made a report which was examined by the Garda and the forensic science laboratory in November 1994. More recently, it made further submissions and the Minister has stated they will

[The Taoiseach.]

be carefully examined by the Department. As I stated at the outset, in that light the Department forwarded recent correspondence from the Stardust committee with regard to the tragedy to the forensic science laboratory for its consideration. The Department will again contact the members of the committee as soon as the laboratory's response to the most recent correspondence has been received. In the event that there is new information or advice the Minister can provide to the Stardust committee, he will meet representatives of the families.

This much has already been agreed, as I stated. The only question is whether there are new issues or issues which the families feel have not reached a satisfactory conclusion. The Keane tribunal made its detailed findings but the Government, through the Department, the Garda, the forensic science laboratory and other sections, is more than eager to deal with the families.

It is not necessary to repeat all of the issues with regard to services but, while the Deputy is correct that there are 11 fire brigade ambulances — two at Tara Street fire station and one at each of the other fire stations — the health services have 63 ambulances and 16 other vehicles that can be mobilised for the emergency plan. If the emergency plan operated as it did on that night, all the ambulances — almost 90 vehicles — would be available. That is the comparable figure. I have mentioned the other areas and financial issues.

The committee representing the families has been engaged for a protracted period with the Government. Therefore, it is not just now that the call has been made. The most recent information is being analysed by forensic scientists. If new information arises from this analysis or from reports they have already submitted, the Government will look at it.

Caoimhghín Ó Caoláin: I again ask the Taoiseach to address this issue today. I appeal to him to indicate, as an appropriate gesture on his part, that he will invite the families of the Stardust victims to meet him and indicate his willingness to establish a new investigation as all the pointers show that is what is required and what the families are requesting.

Is the Taoiseach aware that there has been no increase in the number of fire brigade ambulances for the city and county of Dublin since 1986? Over the same period there has been an increase in the number of emergency calls requiring ambulances from 26,000 to over 80,000 last year, yet the same number of ambulances are expected to cater to that voluminous demand from the wider public in moments of great need.

There is no point in adopting a defensive position on ambulance cover. Will the Taoiseach not accept that this need was never more obvious than on 21 February 2004 at Wellington Quay, when five poor citizens were mown down by a city bus? The emergency services required the despatch of eight ambulances on that occasion, leaving only three within the fire brigade service which is the first point of call-out in this city. If another emergency of similar proportion, smaller or, God forbid, even worse, were to happen within the county of Dublin, the service would not be able to cope. That is the reality. What will the Government do to address this glaring need before we find ourselves facing another avoidable tragedy?

The Taoiseach: In recent years there have been a number of occasions when, unfortunately, the emergency services were called upon to respond. The emergency plan was effective on those occasions, including the one mentioned by the Deputy, as was ambulance cover. Dublin fire brigade staff are qualified medical technicians. In addition to ambulance crews, every fire engine crew member can administer medical assistance to casualties. They are a sophisticated, well organised and disciplined group. I do not know how many requests come in for the service, but I have looked at the number of personnel involved, the extent of the resources and how the service has developed over the years, and it is impressive. Most of the stations have been rebuilt and modernised over the years.

On the main point raised by the Deputy, the evidence produced by the families and the committee has been examined extensively. In November 2004 it was considered that there was nothing to warrant further investigation within the ambit of that evidence. The further evidence given by the families is currently being examined. The Minister has made it clear that he is prepared to continue contact with the committee and the Garda on the forensic science. The question of meeting me has never been a problem. I met many members, but not the organised committee, for a different reason. I am always happy to meet groups and will be pleased to do so if it helps the situation. It is not the case that a report has not been brought forward and examined. The new evidence is currently being examined and if anything new comes up, the Government is prepared to look at it.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Allen: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to debate the Government's failure to deliver on its promise, a promise made by the former Minister for Transport, Deputy Brennan, that an independent Cork Airport Authority would commence its operations debt free and that the full cost of the new

airport terminal would not have to be borne by that authority.

Mr. Crowe: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the ongoing crisis in accident and emergency units where, according to the Irish Nurses Organisation, there are more than 300 people on trolleys, in particular in Tallaght hospital where a man suffering from acute asthma and emphysema who needs complete rest and quiet was left on a trolley in a corridor for seven days.

Mr. Sherlock: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Agriculture and Food to confirm whether beet growers and the Irish sugar industry will be liable for a €25 million restructuring levy in 2006 and to report on the outcome of her recent meeting with European Commissioner Mariann Fischer Boel. In view of the importance of this issue, I hope the Ceann Comhairle will agree to my request.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, that a fresh inquiry be held with regard to new evidence on the Stardust fire tragedy in Artane on St. Valentine's Day, February 1981, and to give the families and victims the maximum support on this matter.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to afford the Taoiseach an opportunity to explain to the House his reasons for refusing to meet the family of British murder squad victim Seamus Ludlow, an explanation which the family urgently needs and deserves, given the Taoiseach has met the McCartney family and the family of Billy Wright and others; and to enable the Members of this House to impress upon the Taoiseach the necessity for him to meet the Ludlow family. I am glad to hear the Taoiseach is well disposed towards such meetings.

An Ceann Comhairle: It is not appropriate for the Deputy to go beyond what he has submitted to the Ceann Comhairle's office.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to ask the Minister for Justice, Equality and Law Reform in light of the emergence of new information to immediately ask the Garda national bureau of criminal investigation to conduct a new investigation into the Stardust disaster of 14 February 1981 which resulted in the tragic deaths of 48 young people; to establish a new commission of inquiry on the matter to finally determine the causes of the Stardust tragedy and to bring some measure of justice and closure for the long-suffering victims and their families as requested over a number of years by the Stardust victims' committee; and if he will take urgent action on the matter.

Mr. P. Breen: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, that the Minister for Health and Children immediately review her policy on implementing the capital development programme at Ennis General Hospital in view of the critical situation that prevails at the hospital with regard to the lack of beds and general overcrowding. This morning in the hospital there were patients in the reception area due to overcrowding——

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

Mr. P. Breen: It is important that something is done to alleviate the situation——

An Ceann Comhairle: The Deputy is being disorderly, I ask him to resume his seat.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Enterprise, Trade and Employment to remove the capping on community employment schemes. This capping involves the sacking of community employment supervisors and participants, destroying the schemes and depriving local communities in towns and villages of excellent work and services. These schemes are being deliberately destroyed and I ask the Minister to make a statement on the matter.

Mr. Sargent: I ask that Dáil Eireann be adjourned under Standing Order 31 to raise a matter of national importance, namely, the need to investigate the failure of Government to put in place the level of fire prevention inspections needed to prevent another Stardust-type tragedy, according to experts in fire prevention; the need to at least double the existing 1985 number of 11 Dublin Fire Brigade ambulances; the need to increase hospital bed capacity, which is so bad that more than 300 patients have been on accident and emergency trolleys every day this month; and for the Taoiseach to state when he will meet the relatives of the Stardust victims to hear the evidence they now have about how their loved ones died and what needs to happen.

5 o'clock

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

Order of Business.

The Taoiseach: It is proposed to take No. 1, the Building Control Bill 2005 — order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the adjournment of Private Members' business, which shall be No. 42, motion re rent supplement, which shall be taken for 90 minutes at 7 p.m., or on the conclusion of the opening speeches of No. 1, whichever is the later.

An Ceann Comhairle: There is one proposal before the House. Is the proposal for the late sitting agreed? Agreed.

Mr. Kenny: I note the Tánaiste has been responding to her inability to produce the legislation relating to the health repayment scheme Bill for persons in public beds in long-stay institutions. When will we see this legislation, as it is due for publication before the end of this Dáil session? Will the repayment scheme be operated by a private company, as was directed by the Tánaiste, and in respect of which tenders were received of between €30 million and €50 million to operate the scheme when the public service could do it, on the information that is there?

An Ceann Comhairle: We cannot discuss the content of the legislation.

Mr. Kenny: On 12 January, the Minister of State at the Department of Health and Children, Deputy Brian Lenihan wrote to me indicating he would attend Cabinet meetings on a regular basis, in order that children would have a stronger voice at Cabinet level with particular reference to the implementation of the Children Act 2001. Has the Minister of State attended any Cabinet meetings, and is he briefing the Cabinet?

I raised the question of the publication of the Martin report on indiscipline in schools. Is it true this is being held up because of an inability to translate it into Irish? This would be strange given the comments of the Minister for Education and Science, Deputy Hanafin, in recent days. The Taoiseach is aware that teachers trained abroad may have their qualifications recognised here by doing an examination called Scrúdú Cáilíochta sa Ghaeilge. These teachers have not yet been told when the examination will be or where the centre is.

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

Mr. Kenny: It does arise.

An Ceann Comhairle: I ask the Deputy to read Standing Order 26.

Mr. Kenny: It has arisen now whether the Ceann Comhairle likes it or not.

An Ceann Comhairle: The Deputy is raising questions not appropriate to the Order of Business.

Mr. Kenny: This Government is bringing in teachers for recognition and will not tell them where or when the exam is.

An Ceann Comhairle: I would prefer if the Deputy did not go down that road. I ask him to show a good example to his backbench colleagues by keeping within the Order of Business.

Mr. Kenny: It is a legitimate question and the Taoiseach will answer it.

The Taoiseach: The nursing homes legislation is still on target for this session. The Minister of State, Deputy Brian Lenihan, is co-ordinating his specialised area and is attending Cabinet meetings. I gave a reply last week on the Martin report, and subject to correction I believe I stated it would be available later this month. I will check that. I did not hear anything regarding the translation.

Mr. Rabbitte: On legislation on refunds to patients in long-stay nursing homes and other institutions, are difficulties being experienced in drafting the legislation? When will the Bill be published?

In light of recent comments, is legislation required for a Garda reserve force? If so, when will it be introduced? Does it have Government support?

Mr. Quinn: A D-Specials force.

The Taoiseach: The nursing home legislation is complex. It has taken some time to resolve the legal issues, but the legislation is on track and will be available this session. With regard to the Garda reserve, legislation is not listed. Ministers made statements but I cannot recall if it will require legislation. The Minister is going ahead with his proposals.

Mr. Rabbitte: I realise legislation is not listed. Is it required?

The Taoiseach: I will have to check.

Mr. Sargent: I join the expressions of sympathy to the Keegan family and Mr. Brian Keegan on the death of his wife Mary and sons Glen and Andrew. I also extend sympathy to the community in Firhouse and the wider community. With regard to promised legislation, I ask whether the eligibility for health and personal social services Bill will take into account humanitarian dimensions, remembering how the Stardust victims had medical cards given and taken away

before they were in a position to return to work. I ask if lessons have been learned in that regard, and if there will be a humanitarian dimension in the Bill?

An Ceann Comhairle: We cannot have a debate on it.

The Taoiseach: The legislation will taken be this year.

Mr. Kehoe: We have seen an increase in the rate of under age drinking in recent months, as well as evidence of anti-social behaviour. When will the sale of alcohol Bill come before the House?

The Taoiseach: The legislation is scheduled for this summer.

Mr. Quinn: There were reports in yesterday's newspapers about the Cabinet discussing a critical infrastructure Bill. Will the Taoiseach confirm this matter was brought to Cabinet? Will he confirm or deny that a major infrastructural proposal, the incinerator in Ringsend, is to be excluded from the provisions of the Bill?

The Taoiseach: The legislation has been cleared by Cabinet and will be published in the coming days.

Ms McManus: Will it be with or without the provision?

Mr. Quinn: Is that a fig leaf for the Minister for Justice, Equality and Law Reform, Deputy McDowell? The legislation is not delivered.

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

The Taoiseach: I have not been given the details of the legislation.

Caoimhghín Ó Caoláin: According to the Irish Nurses Organisation, there were 392 people on trolleys in accident and emergency units across the State this morning.

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

Caoimhghín Ó Caoláin: I ask the Taoiseach, in that context, about the eligibility for health and social services Bill. When will we see this Bill and will it be rights-based legislation? This is what is critically required.

In light of the exposure of Ryanair for what it is, when will we see——

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

Caoimhghín Ó Caoláin: ——the aviation regulation Bill?

The Taoiseach: The eligibility for health and social services Bill will be taken later this year. The aviation legislation is also being prepared this year.

Ms McManus: I welcome the Tánaiste back, as I understand she was in Canada looking at health facilities there. I wonder if since her return she has found the €56 million that nobody in the Health Service Executive can seem to account for?

An Ceann Comhairle: Is the Deputy's question appropriate to the Order of Business?

Ms McManus: Yes, it is highly relevant.

Mr. Quinn: It is a question of an estimate.

Ms McManus: Will we have a Supplementary Estimate? A sum of €56 million is not peanuts and would resolve many difficulties.

Mr. Howlin: Has the Tánaiste found it?

An Ceann Comhairle: The Deputy's question does not arise on the Order of Business. I suggest the Deputy submit a question on the matter.

Ms McManus: I asked about a Supplementary Estimate.

Mr. O'Shea: It is about the Supplementary Estimate.

Ms McManus: I am entitled to ask about it.

The Taoiseach: There will have to be a Supplementary Estimate in the Department of Health and Children this year because we will have to make payments for the nursing home charges.

Mr. Howlin: Has the money been found?

Ms Burton: That is not true.

Ms McManus: My understanding is that is not the case. Are we to have a Supplementary Estimate which includes the €56 million? Is that what the Taoiseach is saying?

The Taoiseach: In order to make the payments there will have to be a Supplementary Estimate.

Ms McManus: I am asking about the money. Will we have to provide a Supplementary Estimate to pay the €56 million?

An Ceann Comhairle: The question of what is in the Supplementary Estimate does not arise, Deputy McManus.

The Taoiseach: I cannot give details of what might happen at the end of a year in terms of Supplementary Estimates.

Ms McManus: On the decision to have one children's hospital in the Dublin area, will the terms of reference be laid before the House or will there be some means of debating them? It is a huge departure to have one hospital for children in the greater Dublin area.

An Ceann Comhairle: It does not arise. I suggest the Deputy submit a question to the Tánaiste and Minister for Health and Children.

Ms McManus: Will the Taoiseach ensure we have access to this information, because all other avenues of communication are now gone?

An Ceann Comhairle: The Deputy can raise the matter in many other ways.

Mr. Stagg: It can be raised but the Taoiseach will not answer the question.

Mr. Boyle: On today's Order Paper a motion has been laid before the House by the Minister for Justice, Equality and Law Reform on the Hague Convention on adoption. Can we take it as an indication that legislation on the same matter is soon to follow? Can the Taoiseach give an indication when that legislation will be before the House?

The Taoiseach: Later this year.

Mr. McEntee: I congratulate the Taoiseach on appointing my fellow Deputy from County Meath to the position of Minister of State at the Department of Agriculture and Food. Will he suggest to her that she bring the Minister for Agriculture and Food on a trip to County Meath to show her the difference between Irish beef and Brazilian beef?

An Ceann Comhairle: That question does not arise.

Mr. Durkan: Will the Taoiseach tell the House when the heads of the electronic communications Bill are likely to be circulated, so we will have some information as to what is happening in that area?

The Taoiseach: Later this year.

Mr. Durkan: That is a broad timeframe.

Mr. Broughan: Is it intended that the new Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne, will be covered by the regulation passed by the House on the marine? Is he effectively the Minister for the Marine and has the Minister with responsibility for the marine departed? I tried to pay a tribute to the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, at the fisheries committee but I was prevented from doing so by the Ceann Comhairle's colleague, the chairperson.

Mr. C. Lenihan: The Deputy should feel free to unburden himself.

Mr. Broughan: Will the Taoiseach take action along the lines outlined in the matter I raised under Standing Order 31?

An Ceann Comhairle: That matter has been raised three times. We cannot have a further debate on it. I remind the House that it must sit late tonight to allow for the extension of time on the Order of Business. We must move on.

Mr. Broughan: The Taoiseach is the local man, a northsider. Is he prepared to lead the Garda bureau and, under the new legislation on commissions of inquiry, to immediately start to unravel the whitewash that was the Stardust tribunal report? This is a vital matter.

The Taoiseach: The normal procedure on the appointment of a new Minister of State is that the Minister brings forward the designation order and that will happen.

Building Control Bill 2005: Order for Second Stage.

Bill entitled an Act to amend and extend the Building Control Act 1990.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That Second Stage be taken now."

Question put and agreed to.

Building Control Bill 2005: Second Stage.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That the Bill be now read a Second Time."

It gives me great pleasure to address this House on the occasion of the Second Reading of the Building Control Bill 2005.

I regard this Bill as a major consumer protection measure. It is undeniable that building or buying a house is the biggest single investment made by most citizens. It is also true that the standard of investment in the built environment will shape the quality of life for many generations to come. Safeguarding building standards is therefore a core objective for us all. The Building Control Bill 2005 will be seen in years to come as one of the most progressive pieces of consumer law to be brought forward in recent decades.

The script is about to be circulated to Members.

Mr. Kenny: It is most unlike the Minister to be inefficient.

Mr. Roche: Given my years of training.

Mr. Kenny: Given his 150 years.

Mr. Roche: Almost as long as Deputy Kenny.

I hope the Bill will win cross-party support, and am aware certain aspects will do so. The Bill achieves good consumer protection on a number of levels. It will assure the public that people calling themselves architects, building surveyors and quantity surveyors are properly qualified. It also strengthens the enforcement of building control law to ensure that Ireland's high building control standards are fully adhered to. It provides for the energy rating of houses and commercial buildings and, together with new building regulations, the measures will bring long-term cost savings to householders and businesses and will help meet Ireland's greenhouse gas emission obligations under the Kyoto Protocol. The Bill also marks a further move in implementing this Government's commitment to disability by requiring commercial buildings and apartment blocks to be certified as compliant with disability access requirements.

For over ten years we have experienced the greatest and most sustained building boom in the history of the State. Building output is now estimated at around €30 billion or 20% of GNP, double the EU average of 10% of GNP. We are now completing more than 80,000 new dwellings per annum or around four times the level of completions achieved in the early 1990s. Ireland is now achieving 20 house completions per 1,000 population, the highest by far in the EU. The net result of the sustained housing construction boom is that one third of our housing stock has been built in the past ten years.

With building activity running at all-time record levels, it makes sense to strengthen our building control system and to seek to improve the energy performance of our existing and new building stock. The Building Control Act 1990 provides the statutory basis for the making of our national building regulations. This Act replaced local, and somewhat outdated, by-laws, which only applied in some areas and varied in their requirements. Modern building regulations became operative in 1992. The regulations are performance-based, rather than prescriptive, in line with the current trend in many countries. This gives more flexibility in design and construction, provided the end building meets minimum performance criteria.

The regulations specify the statutory requirements for the construction of new buildings and the material alteration of existing buildings. They comprise 12 parts, A to M, covering areas such as structure, fire safety, materials and workmanship, sound insulation, conservation of fuel and energy, and access for people with disabilities.

The related technical guidance documents provide guidance to designers and builders on how to comply with the various parts of the regulations. While use of guidance documents is optional, they are in practice treated as the bibles of building and used almost universally by the construction industry. They are a best seller, at a modest price, in the Government Publications Office and are also available to view or download, free of charge, on my Department's website, *www.environ.ie*.

Various amendments have been made to the regulations since they were first introduced, including the introduction of a requirement that new dwellings be visitable by people with disabilities. There has been a significant increase in thermal performance and insulation standards for new buildings and for material alterations and extensions to existing buildings.

Changes to the building code are made in accordance with best practice for modern regulation. Draft building regulations are prepared in consultation with the broadly based Building Regulations Advisory Body, BRAB, and are subject to widespread public consultation. The net result is that the definitive building regulations generally win widespread support within the industry. However, it is timely to review and update the Building Control Act, to meet the challenges of construction today.

I will first address fire safety, and this is an appropriate day to do so. The fire safety certification of the designs of new non-domestic buildings and apartment blocks by the local building control authority has had a positive impact on the quality of fire engineering and on fire prevention. Approximately 6,500 such certificates are granted annually and less than 20 certificates, or less than 0.5%, are the subject of appeals to An Bord Pleanála. Today, as we sadly mark the 25th anniversary of the Stardust disaster, we must constantly remind ourselves of the need to be ever vigilant when it comes to fire safety. Twenty five years may seem a long time ago but for those who suffered loss or injury or who were there on the night the pain is still very real. The tribunal of inquiry which was established in 1981 made recommendations on fire services, fire prevention and related matters and, in particular relevance to this Bill, the need to put in place a proper system of building control. Since then, under the Building Control Act 1990, part B of the regulations set out the legal requirements for fire safety in the construction, extension and material alteration of or change of use in buildings. The related technical guidance document B provides guidance on how to comply with part B. The guidance was updated in 1997 to include bedroom window sizes for escape purposes in the event of fire and mains operated smoke alarms. I will shortly publish further amendments to part B, together with updated guidance.

All the recommendations of the Stardust tribunal have either been implemented directly or

[Mr. Roche.]

taken into account in the ongoing formulation of policy on fire safety and the development of the local authority fire services over the intervening period. Improvements have been carried out on a comprehensive basis, covering such areas as the financing and equipping of the local fire service, its organisation and staffing, training, the legislative framework and emergency planning. I propose in this Bill to tighten and update the requirements for the fire safety certificate process, as recommended by the Building Regulations Advisory Body.

Part M of the building regulations, which was operative since June 1992, sets out the legal requirements for access to and movement within non-domestic buildings for people with disabilities. Compliance with part M is an area of some concern to me, particularly as the requirements have been extended to new dwellings. I am anxious that the overall level of compliance will improve as designers and builders gain greater experience of working to the part M standards for dwellings, which in many cases have only applied in practice from 1 January 2004. It is often too late to seek to remedy disabled access deficiencies once construction is in progress or when a building is finished. That is why the Government has decided to introduce a disability access certificate system, along the lines of the fire safety certificate system, for new non-domestic buildings and new apartment blocks. This implements a core recommendation of the Commission on the Status of People with Disabilities.

I think all Deputies share my view that regulations, if not backed by proper enforcement, are greatly diminished in value. Good builders follow the code but, unfortunately, others may not fully adhere to the requirements. We need to create a level playing field on which minimum building standards are effectively applied to all builders. The local building control authorities are at the heart of our building control enforcement process and this Bill will greatly enhance their enforcement powers. However, I am not happy that the authorities are uniformly and consistently enforcing the building code despite measures taken at central level to help the authorities, including approval for the creation of building control officer posts, a substantial increase in building control fees in 1998 and the development and delivery of a customised training course for building control officers by FÁS. I propose to remind city and county managers of their personal responsibilities in terms of building control enforcement. Deputies will be aware that variations exist but they are unfair and should be addressed.

We have been reminded in recent times that oil supplies are limited and periodically uncertain. The demand for oil continues to rise and the price of crude oil has reached a historic peak of over $70 a barrel. We expect to substantially reduce energy used in heating buildings and the related $C0_2$ emissions as a result of recent changes which I made to part L building regulation standards for thermal performance and insulation and plan to further increase part L standards by 2008.

However the problems of oil supplies and climate change are global issues, which cannot be addressed at national level alone. The EU has adopted the energy performance of buildings directive and Ireland has developed an integrated action plan for the implementation of all its requirements. The draft plan was published for public consultation last April with a deadline of 31 July 2005 for comments. An interdepartmental working group, including representatives of the Department of Communications, Marine and Natural Resources, Sustainable Energy Ireland and my Department has been working on this plan, which I expect to publish and submit to the European Commission within the coming months. On 20 January, Ireland notified the European Commission of a package of legal and administrative measures taken or in the pipeline with regard to transposing the directive. I signed amending part L regulations, partly transposing articles 3 to 5 of the directive, on 21 December 2005. Sections 4 and 5 of this Bill further transpose articles 5 and 7 of the directive.

In the recent past, householders have in good faith engaged unqualified people who passed themselves off as building professionals to undertake the design and planning of new buildings or extensions. That is unacceptable. Under this Bill, only qualified people whose names are entered on relevant national registers will in future be entitled to lawfully use the title of architect, building surveyor or quantity surveyor.

The explanatory and financial memorandum provides more detail on the content of the Bill but I would like to touch on some of its main provisions. Under Part 2, amendment of the Building Control Act 1990, the Bill provides for changes in the fire safety certificate regime, as recommended by the Building Regulations Advisory Body. Among the changes is the introduction of a seven day notice or fast track procedure which must be accompanied by a valid fire safety certificate application and a declaration that the applicant will carry out any modification works required by the fire safety certificate when granted. This will cater for builders who are anxious to commence work on urgent projects without waiting up to two months for the application to be processed. The Bill will also provide for new applications for a revised fire safety certificate where a building design is changed to comply with conditions attached to a planning permission and the making of applications for regularisation certificates where buildings have commenced or have been completed without the necessary fire safety certificate, subject to the necessary documentation and declaration that the works comply with the regulations. The 1990 Act contained no provision to remedy such cases,

although authorities dealt with such problems on a pragmatic basis.

Part 2 of the Bill also provides for the introduction of a disability access certificate. Once enacted, the Bill will prohibit the opening, operation or occupation of a building until such time as a fire safety certificate or disability access certificate is granted. This prohibition will deter developers from flouting the requirements of the regulations because it will have major financial implications for those who do not comply. The powers of building control authorities to seek High Court injunctions will be extended to remove works or stop work on buildings or projects which do not have fire safety certificates, disability access certificates or regularisation certificates or where there is non-compliance with enforcement notices served by the authorities. Again, this injunctive power will have a strong deterrent effect.

The prosecution process will be simplified by providing local building control authorities with the option to institute summary prosecutions for all building code offences in the District Court as an alternative to prosecution on indictment by the DPP in the Circuit Court. In addition, the maximum penalties for breaches of the national building regulations will be substantially increased. Local authorities will get the benefit of fines resulting from successful prosecutions brought by the authorities.

I will now discuss the legal transposition of certain provisions of EU Directive 2002/91/EC of 16 December 2002, energy performance of buildings. Part 2 provides the legal basis for transposition of articles 5 and 7 of the EU energy performance of buildings directive. This will include phasing in, over the period 2007 to 2009, a building energy rating certification process for all newly constructed dwellings from 1 January, 2007, other newly constructed non-domestic buildings from 1 January 2008 and existing buildings when offered for sale or letting from 1 January 2009. Those buying or renting houses will be given clear information on building energy efficiency. The certificate will incorporate recommendations for building owners and landlords on how to cost-effectively improve energy ratings.

The Bill also requires that the design of large new non-domestic buildings, that is, buildings over 1,000 m^2, or 10,800 sq. ft., includes assessment of the economic and technical feasibility of using alternative energy systems. Such systems would include district or block heating, combined heat and power, heat pumps that use geothermal energy and energy supply systems using renewable energy such as solar and wind power. Sustainable Energy Ireland is developing software to help designers and builders to carry out such assessments. This is a very innovative approach and will produce significant changes in the years ahead.

The transposition of the EU energy performance of buildings directive will bring long-term cost savings to householders and business and help to meet Ireland's greenhouse gas emissions obligations under the Kyoto Protocol.

Parts 3, 4 and 5 provide for statutory protection of the titles of "architect", "quantity surveyor" and "building surveyor" by restricting the lawful use of these titles to qualified persons whose names are entered on a statutory register to be established in accordance with the provisions of the Bill.

The registration system for architects will be administered by the Royal Institute of Architects of Ireland, the RIAI. Deputy Quinn will verify that the RIAI has been calling for such a register since the foundation of the State. The registration system for building surveyors and quantity surveyors will be administered by the Society of Chartered Surveyors, the SCS. Parts 3 to 5 specify the eligibility criteria for automatic admission to registers. They also set out processes and procedures designed to ensure that all applications are treated fairly and in a transparent way.

The Bill provides for the setting up of independent admissions boards; technical assessment boards and procedures for the assessment of applicants who are not eligible for automatic registration; professional conduct committees to deal with disciplinary matters; and appeals boards to determine to determine appeals against decisions of any of the aforementioned boards or committees. There will be an ultimate right of appeal against decisions of the appeals board to the High Court. It is proposed that the majority of members of the various boards will be non-building professionals and each board will be independently chaired by a retired judge or a lawyer. There is provision for payment of registration fees and appointment of registrars to deal with administrative matters, together with penalties for misuse of the professional titles.

There will be considerable benefit to consumers when seeking to engage architects or surveyors, following the enactment of this Bill. They will have access to a statutory register with the assurance that all names registered are those of professionals with proper qualifications.

Parts 3, 4 and 5 take account of the recently-adopted EU directive on mutual recognition of professional qualifications, which will be relevant in the case of qualified building professionals coming from other EU member states. This is an innovative section of the Bill. An attempt has been made, in various parts of this legislation, to refer across to EU legislation to avoid the kind of hiatus that has arisen elsewhere, whereby we have been years late in transposing European law.

Part 6 provides for the preparation of codes of professional conduct and standards by the two registration bodies for registered members of both the architectural and surveying professions. It also sets out the procedures for the examination of complaints made to the professional conduct committee regarding alleged misconduct of

[Mr. Roche.]

registered professionals, for a mediation process if considered appropriate, for the conduct of an inquiry into such complaints and for the attendance and examination of witnesses under oath. It further details the procedures to be adhered to following such inquiry and the measures which the committee may take where a registrant is found guilty of professional misconduct.

The professional conduct committee, when acting under this section, will have the same powers, rights or privileges vested in the High Court or a judge of the High Court with regard to enforcing the attendance of witnesses, examining witnesses under oath or compelling the production of documents. Witnesses appearing at an inquiry under this section will have the same immunities and privileges as witnesses before the High Court.

There is the right of appeal to the appeals board against decisions of the professional conduct committee with the ultimate right of appeal to the High Court. In addition, the name of a registrant may not be removed from a register unless confirmed by the High Court. The processes and procedures under this Part are designed to ensure that all professionals against whom a complaint of alleged professional misconduct is made will be treated in a fair and impartial manner. While the processes appear complex, they must strike a balance between protecting the rights of individuals to vindicate their name and the wider protection of consumers using the services of people who pass themselves off as architects or surveyors.

Part 7 provides for a variety of miscellaneous measures for the effective administration of the registration scheme, including provisions regarding the procedures of the registration bodies, terms of office, payments and so forth. It also provides that registration bodies must carry out additional functions assigned to them by the Minister for the Environment, Heritage and Local Government relating to the implementation of an Act adopted by the EU in regard to the professions. The registration bodies will find this very useful because it makes provision, in advance, for any EU arrangements that may arise. Part 7 also provides for the prosecution of offences.

This Bill is positive legislation which I trust will be welcomed by all parties. It strengthens the enforcement powers of local building control authorities, provides stricter and streamlined controls under the fire safety certificate regime and provides safeguards for disabled access to new buildings. It also protects the titles of "architect", "quantity surveyor" and "building surveyor" and protects the consumer's rights when engaging people so described. The Bill transposes certain provisions of the EU energy performance of buildings directive and relevant articles of the EU directive on mutual recognition of professional qualifications. It marks a further advance in making quality a key principle of construction in Ireland and offers further proof of the Government's commitment to protect the consumer. I look forward to hearing the views of Deputies on this legislation and commend the Bill to the House.

Dr. Twomey: I wish to comment on this Bill because of a number of representations that have been made to me in recent months regarding the building industry. It is timely that this Bill is before the House on the anniversary of the Stardust tragedy and we must make sure that a tragedy like that never happens again. We will have to wait to see if that will be the case with the enforcement of this legislation.

Accountability and transparency should be at the root of all legislation passed in this House as well as in those areas outside the House over which we have some control. There has been an explosion in the construction of apartment buildings, some of which have been very poorly designed and built. An Bord Pleanála has criticised the size of some apartments and the lack of green spaces around them. It appears that the bias has been in favour of the developers rather than the apartment dwellers.

In the context of this Bill, a number of fires have broken out recently in apartment blocks which indicate that fire regulations were breached by developers. Some fires have broken through so-called firewalls designed to contain fires within apartment blocks, while others have spread under the roofs of the blocks. This should not have happened. Construction methods should ensure that fires can be contained in sections of buildings. The only reason that nobody has lost their lives in any of these fires to date is that they occurred in the daytime. All we need is for one of these fires to break out at 5 a.m. when everybody is asleep to have a tragedy on our hands.

The important issues with regard to fire certificates are accountability, transparency and enforcement of the legislation. Many fire certificates are issued on the basis of drawings submitted to the planning authorities. Often there is no on-site inspection of the construction work and many apartment buildings cannot be inspected now, even though we know they are fire traps. Passing legislation is fine but unless there is enforcement, we cannot ensure the safety of people living in apartment blocks today. The Minister must examine not just enforcement in new buildings but also in apartment blocks that have already been built because a tragedy is waiting to happen. The developers led this practice, while no one stood up for those living in the apartments.

Mr. Roche: The local authorities bear some responsibility for this.

Dr. Twomey: We are responsible for what happens. The Government takes credit for all the houses being built across the country, it does not

say that the local authorities or private industry is building them. If they turn out to be firetraps, who will take responsibility then?

Mr. Roche: The local councils are not doing their jobs if that is what is happening.

Dr. Twomey: Perhaps they are not doing their jobs because most planning is by retention and not by the proper method.

The Minister is right: good builders are being penalised because cowboys are allowed to do what they like. There is a race to the bottom, with pressure on good builders who want to construct safe apartment blocks that comply with the standards but they cannot compete with the cowboys who are taking short cuts, not using the proper materials and failing to put fire prevention measures in place. The Minister must revisit this matter with, if necessary, new legislation that will give teeth to the local authorities to force builders to operate properly.

Section 11(*d*) deals with qualifications and people who were given a grandfather clause. Why is this information so confidential that it is not possible to obtain a list of the people who availed of that clause? This is a serious issue.

Mr. Quinn: Was the Deputy refused the information?

Dr. Twomey: Yes.

Mr. Quinn: I see.

Dr. Twomey: We must reconsider this matter. I hope the Minister takes my comments on board and makes this legislation retrospective, so that it will apply to all buildings erected in the past ten years.

Mr. O'Dowd: Deputy Twomey made some important and specific points which, I hope, will be dealt with in the context of the legislation. The points he raised must be addressed immediately.

Under the current system, Members are informed about legislation on a Thursday and it is introduced on the following Tuesday. We should be given the opportunity reflect for a longer period on legislation — which I welcome — as significant as that before us. The critical infrastructure Bill is due to be published soon.

Mr. Roche: It will be published next Thursday.

Mr. O'Dowd: It would be of assistance if Members were given two weeks notice before Bills are published so that we might research them properly. It will benefit the debate if we have time to study legislation.

I welcome the contact I have had from the Royal Institute of Architects and others in the short time we have known about this Bill. Those to whom I refer provided me with important documentation on it.

The explanatory memorandum states that the Bill provides for amendments of the Building Control Act 1990. Part 2 provides for improvements in the processing and format of applications for fire safety certificates by introducing a regularisation certificate and a fast-track procedure in cases where commencement of work is imminent. The regularisation certificate will allow for post-construction certification of buildings with a public use. In other words, an occupied building will retrospectively be granted a fire certificate. How could a building be erected without a fire safety certificate? Currently, a planning application is made and then a separate application is made for the fire safety certificate, which is issued on the basis of the plans before the officials at that time. The building can proceed and officials can check what is happening. If, however, fire certification is issued post-construction, officials cannot check construction methods because the building is already in place. Unless they strip down the building to examine critical points, it is not possible. This is a serious issue to which consideration must be given.

The building regulations advisory body, which advises the Department on this issue, is primarily made up of those involved in the building industry, such as builders, architects and surveyors. Are there any enforcers of the building code on the committee?

Mr. Roche: Yes, but there has been argument as to whether there are enough. I will provide the Deputy with the figures

Mr. O'Dowd: Those who enforce the legislation feel that certification cannot be issued retrospectively. An adequate system must be put in place before building commences in order to ensure that it is safe for everyone.

The changes proposed by the Minister in the context of the recognition of the professional qualifications of architects, engineers or surveyors are important and welcome.

The professional organisations, in their report to the working group on strengthening building control regulations, made the point that the compliance system has delivered a reasonable level of compliance where responsible clients and professionals are concerned. There is no doubt about that. The reality, however, is that a person with no knowledge of or interest in the regulations who wishes to evade the system can do so, with all the potential consequences for building standards, safety and consumer protection. Where this is combined with a person prepared to issue an opinion on compliance in respect of such buildings, the limitations of the existing system are obvious. The report continues that it is unlikely that the level of resources necessary for a full-scale approval system, covering design and construction of every building and involving multi-stage inspections, are or would be available.

[Mr. O'Dowd.]

There is clearly a problem that the professions are trying to address in their recommendations and the Minister has taken a number of them on board. That still leaves the problem, however, that many people have circumvented the system. Will the Minister give us the Department's statistics on non-compliance on fire safety before Committee Stage? That is the only way we can understand and deal with the problem.

I share people's concerns about bad builders and the dangers that exist for people living in accommodation they have built. Deputies are concerned about the poor quality of many buildings. They also know the names of those engaged in poor quality construction throughout our cities and towns but I do not propose to mention them.

The new system must be better than that currently in place. While I do not oppose this aspect of the legislation, I am concerned about the proposals and have yet to be convinced they are necessary. How will one be able to determine a building is safe without first stripping it down to its core?

I understand approximately 85% of retention applications for buildings constructed without planning permission are approved. This is a high proportion and one I assume will also be reflected in the area of fire safety compliance. Given that today is the anniversary of the awful Stardust tragedy, it is important to emphasise the need to ensure the proposed changes are not being driven by commercial and vested interests. This point has been strongly made in representations I have received.

I ask for clarification on an administrative aspect of the Department's work. I have been informed that evidence has been notified to the Department — in fairness the official to whom I spoke today was not aware of its extent — to show that a number of people who have applied for a fire safety certificate have been issued with the number on their application rather than the number on their licence. This practice gives rise to further queries being made. The problem is that a person applying for planning permission serves a commencement notice which includes a reference number from the application for a fire safety certificate. When the applicant proceeds to work on the building, he or she will receive requests for further information with the result the building is completed without a fire safety certificate having been issued. Given this has occurred throughout the country, the system is clearly under-resourced.

In addressing this matter, which he Minister intends to do, we must ensure we introduce the best possible system, one which is full-proof, universal and policed. The Royal Institute of the Architects of Ireland contacted me today on this important issue. I understand the intention is to visit between 12% and 15% of all buildings constructed after the legislation is enacted. We need to be certain that compliance with fire safety requirements is audited.

I welcome the proposal to make regulation of professional qualifications more watertight. A mechanism similar to that applied by the Revenue Commissioners is required. For example, the likelihood of receiving a Revenue audit is much higher for those who fail to submit VAT returns or other required documentation. A well-resourced inspectorate will be required to ensure the large number of buildings which receive fire safety certificates in accordance with the new regulations are visited to monitor compliance and ensure transparency in all these key areas. Such a measure would boost public confidence.

The Minister indicated he would address the issue of the resources he proposes to allocate to make the provisions of the Bill work. Significant investment will be required in this area because highly qualified architects, construction engineers and other top grade professionals will be needed to do the work. It will also be necessary to introduce a career structure, either at local authority level or across local authority boundaries. It is vital that sufficient financial resources are provided to ensure the legislation is enforced and the best qualified people are recruited to enforce it. Attractive salaries must be offered to overcome the difficulty in attracting recruits to the public service when the private sector is doing well. That is the competitive nature of life. It is important to have the right reasons for attracting the right people to the job. Those are my main queries regarding the Bill at this point.

I acknowledge the motivation of the Minister and the various professional groups is excellent. On the issue of professional qualifications, Deputies who were previously involved in local government will have advised people seeking advice on building houses or extensions to ensure the work was done well. The first question put to me was always who I would recommend to design a house or extension. I always advised that people use a person with professional qualifications, which does not mean someone with a sign on the door saying "Architect", "Planner" or "Designer". If people checked qualifications more often, much of the poor building work, the jerry-building, particularly in the area of small extensions, would be eliminated. Those who suffer most from this problem tend to be those with few resources who know little about construction. It is vital to provide assistance to members of the public in this area.

As the Minister stated, the Bill establishes a register for architects, building surveyors and quantity surveyors, strengthens enforcement of existing building control law, allows for the energy rating of buildings and legislates for the disability requirements for commercial buildings and apartment blocks. The Fine Gael Party fully supports these aims, many of which are long overdue.

It is absurd that in 2006 one need simply put up a sign with the word "Architect" on it outside one's door to classify oneself as such. Last year, a "Prime Time" programme showed that property consultant, David Grant, had made 132 planning applications to a local authority since 2001, yet the council could find no record of any planning officials having met him. It emerged that the council had refused 67% of Mr. Grant's valid applications, which the director of planning at Fingal County Council, Mr. David O'Connor, described as a very high rate of refusal by any standard. It is bizarre that the failure to pick up on the fact that an applicant is not qualified cannot be addressed by any legislative provision, although I accept that finding a solution to this problem is not easy.

Registration has been in place in the United States since 1990 and the United Kingdom since 1930. Which model should we aspire to emulate? As was pointed out to me earlier today, the best model in the world is in place in the United States where much more aggressive legislation is in force and compliance with strict standards is almost universal. In addition, a highly professional organisation is responsible for monitoring compliance. We should aspire to have a similar system. It is easy to put down the Yanks whom we sometimes assume do nothing right but in many cases, particularly in regulating the construction sector, they have adopted the best model in the world.

I thank the association of building engineers which made a submission on the Bill and indicated to my party its support for the legislation. It is a sign of a good Bill and a good industry when those who are about to be regulated welcome the legislation. Legitimate, reputable architects and quantity surveyors have nothing to fear and will be able to benefit considerably from the Bill. Only the cowboys need worry.

The benefits should be felt greatest by consumers who, once the Bill comes into force, will be offered greater protection than heretofore. Some years ago the Competition Authority noted that the case for regulating those who describe themselves as architects had "not been adequately made". In a consultation paper on the architectural profession the authority suggested that a regulatory impact analysis be undertaken before the proposal to regulate the profession was progressed. The paper stated that registering the title of architect could create "substantial barriers" to entry to the profession in circumstances in which the excess of demand over supply for a limited number of third level places was already "huge". I inquired into the issue today and was happy to be informed that we now have approximately seven architectural schools in Ireland, North and South, and that an increasing number of places are being made available in our academic institutions. Criticism has been made of the length of time it takes to qualify as an architect, which is approximately five years, with two further years post-graduation. I accept that we now have universal application of academic standards across Europe and universal understanding of what constitutes a qualified person.

I welcome that the profession is opening up alternative ways to qualify as an architect. One does not necessarily need the 400 or 500 leaving certificate points in order to enter the profession. Students of normal to high intelligence in the top 20% who obtain approximately 355 leaving certificate points must also have their day. It is an issue that could be universal to——

6 o'clock

Mr. Quinn: It says more about the points system than about those who become architects.

Mr. O'Dowd: That is my point.

Mr. Roche: We were all looking at Deputy Quinn in admiration.

Mr. Quinn: I could have forgotten about it when I was at school — 250 points would have been about my mark.

Mr. O'Dowd: That would not be too bad for someone who was Minister for Finance.

More emphasis should be placed on interviewing applicants for such a career. Many young people wish to attain the highest standards in the context of professions into which they wish to enter. They wish to be doctors, architects, teachers, etc., but may not achieve the required points. However, they may have shown an interest in their studies and excelled in areas that could assist or ought to be considered when seeking to enter such professions. I do not suggest that the old-boys' network or the old school tie should apply in this area. However, when demand exceeds supply, third level institutions ought to introduce an interview system to factor in other attributes, which could be significant in obtaining a standard of excellence in a career.

The EU energy performance of buildings directive is important and will change the way houses will be built and sold. Those without the standard will not obtain the desired price for their houses. On a recent television programme, Duncan Stewart outlined how to change a house with high-energy usage to a low-energy model and emphasised the value to be obtained by minimising heat loss etc.

A study has shown that, owing to the thermal inefficiency of their homes, more elderly people die in Ireland during the winter than in countries, such as Norway, with similar populations. This relates to the lack of energy conservation. I acknowledge the money that has been spent by the Department of the Environment, Heritage and Local Government in improving the quality of older people's homes and the grants available through different organisations to assist in making a house more thermally efficient. The

[Mr. O'Dowd.]

Government should consider a better scheme to assist people who, as they get older, do not have the money to repair their houses in a way that allows them to maintain good health. Many people are dying because they cannot make their homes as energy efficient as they ought to be.

I look forward to the debate on the Bill. Amendments will be tabled on Committee Stage, many of which will be proposed by the professional organisations. This is a very important Bill and I ask the Minister to respond to the queries I raised.

Mr. Quinn: Although Deputy Gilmore is our environmental spokesperson, I am taking the Bill on behalf of the Labour Party. As the House will know, I have called for this measure for some time and I very much welcome its publication. I acknowledge the role the Minister played in bringing it to the fore.

The Bill deals with a number of different issues. Central to it is the issue of recognition of titles "architect", "building surveyor" and "quantity surveyor". At the outset, I need to declare an interest, not only on my part but also on that of my wife who will be affected by specific provisions in the Bill.

I will deal with the sequence in which the Bill outlines its proposals, starting with enforcement. The proposals to deal with enforcement are being introduced very late in the day, at a time when, as the Minister said, double the amount of economic activity relative to the rest of the rest of the European Union is taking place in the construction industry. Most of this construction is, in effect, unsupervised. We simply do not know whether what gets built is in accordance with the planning permission granted. Local authorities do not have the capacity, administratively or in terms of inspection, to verify whether this has happened. If the construction industry continues to operate as it is at present — it may not do so at its current and unhealthy speed — at above par levels because of our big infrastructural deficit and growing population, we will be obliged to give serious consideration to the overall area of enforcement and not limit ourselves to the very welcome improvements in fire safety certificates and access for the disabled as provided for in Part M.

I wish to put on the record of the House the summary of a report, Building Controls — Strengthening the System, that was prepared in May 2004. It was compiled by a working party of the Association of Consulting Engineers of Ireland, the Institution of Engineers of Ireland, the Royal Institute of the Architects of Ireland and the Society of Chartered Surveyors of Ireland. This is worth consideration because the record of the House should show what was the combined professional input in this area. Members of the bodies to which I refer are all affected and are taking responsibility, as professionals, for a system of responsibility for which they will be accountable. The report states:

> The object of this report is to examine the current state of enforcement of the Building Regulations, and the role of mandatory self-certification in developing and maintaining more effective enforcement of the Building Regulations. The report has been prepared by a Working Party of the ACEI (The Association of Consulting Engineers of Ireland), IEI (The Institution of Engineers of Ireland), RIAI (Royal Institute of the Architects of Ireland), and SCS (Society of Chartered Surveyors of Ireland).
>
> The report should not be, viewed as a definitive or fixed position on the part of the four Professional Bodies, but is intended as a discussion document outlining the key elements in a self-certification system. If these principles are broadly acceptable, then there would be a need for discussion and dialogue to develop the details of a mandatory self-certification process.
>
> The present Opinions on Compliance system has delivered a reasonable, level of compliance where responsible clients and professionals are concerned.
>
> The reality is that a person with no knowledge or interest in the Regulations, who wishes to evade the system can do so, with all the potential consequences for building standards, safety, and consumer protection. When this is combined with a person prepared to issue an Opinion on Compliance for such buildings, then the limitations of the present system are obvious.
>
> It is unlikely that the level of resources necessary for a full scale approval system covering the design and construction of every building, and involving multi-stage inspections, are or would be available.
>
> Delivering a system which provides for the proper enforcement of the Building Regulations requires moving to a system of mandatory self-certification, based on a strengthened of the Opinions on Compliance system, as proposed in this submission.
>
> Effective self-certification requires the consideration of a range of mechanisms to provide a statutory basis for the system, with effective mechanisms and sanctions to minimise the risk of evasion.
>
> Sanctions will also be required for careless incompetent, negligent, and fraudulent certification will be required.
>
> An audit system would be required so as to monitor the system.
>
> Competence of accountability of certifiers, sanctions, and independent oversight would best be achieved through the registration systems envisaged in the Building Control Bill, and the existing 1969 Engineers Act.

There would be a need to evaluate, in consultation with lawyers and insurers, the impact of a self-certification on civil liability and, consequently, on Professional Indemnity (PI) Insurance premia.

Mandatory self-certification would deliver

— Credible building control enforcement

— Minimum building standards assurance

— Consumer protection

— Level playing field in the market place for compliant designers, builders and construction product/system manufacturers as against the less responsible and non-compliant

— Greater assurance of compliance with public safety requirements

— Minimal level of Government resources required

— Public health and safety.

The essence of that summary — the document is available — complies with some of the views recorded by Deputy Twomey.

There are many cowboys operating and there are many gullible, desperate people who cannot afford even what they are buying at present and are not in any way able to assess the quality or the assurance that it has been built in accordance with the minimum standards. There are many vulnerable people in that position for all the reasons this House knows and time does not allow me to get into it, but the building boom is creating a new level of risk which our children or our children's children will inherit with all the consequences.

While the points made about the first Part of the Bill dealing with the fire safety certificate, Part M on the question of disabled persons' access, and also the increased powers the Minister is proposing to give to local authorities in terms of going straight to the courts and not to the DPP are necessary and welcome, they do not go far enough. I ask the Minister to engage in a new system of self-certification, with a level of responsibility and sanctions on one side and credible professionals on the other, to give us the kind of self-assured standards of construction this country requires into the future. With the registration of title measure, the Minister can now do that. He has the carrot and the stick. The carrot is to require professionals to be registered. I have a few problems with the outline of the structure the Minister has provided but I want to clarify some points.

Now that we are to register the professionals, who are the only ones allowed to use the title architect, quantity surveyor or building surveyor, as Deputy O'Dowd said, we will no longer have to advise people who come to our clinics asking us to recommend someone to do their extension or whatever. We do not have to recommend a dentist or a doctor and we will never again have to recommend an architect, a building surveyor or a quantity surveyor when these provisions come into law, as no doubt they will. Those people who have those titles, however, will no longer be able to afford to lose them and therefore there will be a more strict system of self-regulation, such as we have seen in the financial sector, for example, where it simply is not worth the professional life of an accountant to mess around with tax. Those days are over because of all the fraudulent abuses that were uncovered. I suspect if the same scrutiny was to be applied to the building industry in the broadest level of activity, similar levels of abuse, perhaps with less impact on the revenues to the State, which took the hit with all the tax evasion with the so-called non-resident accounts and so on, would be discovered. The outcome of the inquiry of the Committee of Public Accounts and the other issues that came to light have resulted in a strengthening of legislation for accountants that is at a draconian level such that if a Minister for Finance had attempted to introduce it in the 1970s or 1980s, there would have been an outcry. Indeed, it was brought to my attention recently that one recommendation from the beef tribunal transposed itself into section 153 in the first Finance Act I had to bring in, which had been accepted by my predecessor, Deputy Bertie Ahern, as Minister for Finance. According to Ken Murphy, former Deputy McCreevy and former Deputy Derek McDowell, this was the end of civilisation as they knew it. This was the end of the Republic. Civic liberties would disappear if these provisions were brought in for tax accountants, financial brokers and advisers. Yet what is now on the Statute Book is 100 times stronger than what was proposed at that time and as a result we have increased revenues, which is to the good of everybody, but it also means the professionals responsible for ensuring citizens are compliant with their tax affairs are no longer prepared to cut corners or put their professional qualifications at risk. If we accept the logic of that argument, transpose it into the construction industry and protect the titles of the professionals involved, we will ensure a safeguard of compliance that we have not had now up to now, and all of us collectively will be better off for it.

Perhaps the Minister's successor in the coalition Government that will succeed this one will have the responsibility to introduce it but I invite the permanent officials beside him to start preparing explanatory memoranda and advisory notes for their successor to start working on it. The Minister, as a parting gift to the Department and to the Customs House, might leave a memo on the desk as he leaves the Department.

Mr. O'Dowd: He has two days——

Mr. Quinn: I say that with affection and in jest but the Minister knows what I am trying to say.

[Mr. Quinn.]

The next section deals with registration of the title. It is clear from my reading of it but I welcome the way in which the Minister has separated the three titles. I assume the establishment of one, after the Bill is enacted and signed by the President, is not dependent on the second or third and that they can operate separately. Either in his response or on Committee Stage the Minister might indicate, particularly for quantity surveyors and building surveyors, if the Society of Chartered Surveyors will be able to share some overheads in respect of the operation to minimise the bureaucracy associated with it.

I welcome the different qualifications concerning the register. There is standard recognition of the various qualifying colleges. There is also the grandfather clause, as it has been called, and the list of people who were accepted by the Department of the Environment, Heritage and Local Government by one of the Minister's predecessors in respect those deemed to be eligible to qualify, all of whom I presume, upon the enactment of this legislation, will automatically be deemed to qualify and can proceed. In speaking to John Graby, the director of the RIAI, this morning, I understand it in turn is ready to proceed immediately once the Bill is enacted.

I want to put two issues to the Minister for consideration which we might tease out on Committee Stage. I know the convention of our legislative system is to be prescriptive in defining the various institutions that produce qualified architects but we might need to examine some kind of enabling provision as a catch-all to give some flexibility in recognising standards rather than being as rigid as we are currently. Deputy O'Dowd's point was well made. There are many ways of getting to the top of a particular professional or academic mountain. It does not always have to be immersion in a three year and then a five year course. We should be as flexible as we can because we need that flexibility. The market and the industry need it and we also need to be able to examine qualifications from outside the European Union, the EEA area and the Swiss Confederation. These are details we can tease out on Committee Stage but out of courtesy I signal to the Minister and his colleagues that these are areas for which I would like some advance preparation, that is, flexibility in how we specify bodies that award qualifications to enable people be registered with the title "architect" and, by extension, "building surveyor" and "chartered quantity surveyor".

Deputy O'Dowd said the architect profession was seeking to have this issue addressed for some time. One of the factors that stopped it being addressed was a Progressive Democrats obsession with competition. In the former Department of Industry and Commerce, I remember the late Niall Montgomery, who was at one stage president of the Institute of Architects of Ireland, asking the then Minister, Justin Keating, which shows all our colours and age, in 1973 or 1977 if it would be possible to introduce registration for the protection of the title of architect. The ethos of that Department — which held sway until recent times — was that it would be anti-competitive. I am glad that this has been rebutted and that——

Mr. Roche: It is still there.

Mr. Quinn: As recently as 19 January 2004, the RIAI was obliged to make a submission to the Competition Authority in regard to this matter. Section 6 of the executive summary of that submission states:

> 1. The greater majority of EU Member States have either registration of title system with control of function or a combination of both.
>
> 2. The proposals under the Building Control Bill represent a milder form of regulation than in many EU states, where function also is controlled.
>
> 3. The question of registration of function has previously been considered by the Fair Trade Commission which reported at Section 8.35 as follows:
>
> > *"It is concluded that it would be possible to achieve a registration of title system for the professions of architect, quantity surveyor, building surveyor, valuer and other professions within the construction industry which would not be unreasonably restrictive of competition. It is considered that, on balance, a registration of title system would be in the overall public interest and it is recommended that a system be introduced."*

The executive summary continues in that vein.

To put the matter in context with respect to the numbers involved here of which we are aware — we are not aware of all of them — Article 6 of the executive summary states:

> There are over 2,200 registered RIAI members and several hundred non-RIAI members. Concentration in this market is extremely low insofar as there are relatively few large practices. Entry from abroad is easy. There is no evidence of over charging or exploitation by practitioners.

The conventional architectural system of design and designers and those who would comply under this area will function fairly well.

On Committee Stage, we will deal with the detail of the system of appointments and the ratio of three architects to four lay people, etc. On the technical assessment side, the Minister should ensure — not that he would ever be tempted to do this — that the secretary of the cumann in Donegal should not be appointed in order to obtain expenses and remain on this committee. Those involves should, by all means, be lay

people but they should have a knowledge of technical qualifications and should come from parallel systems or have a knowledge of certification of standards of one kind or another. This committee should not be like the prison visiting committees which, frankly, were a scandal under various Administrations. I wish to put down a marker that we will deal with this matter, particularly in terms of the technical aspect, in some detail on Committee Stage. There is no difficulty with registration and appeals where lay people are involved. However, where such individuals comprise a majority in respect of technical assessments, they should have some knowledge of evaluating professional competence in some area, although not necessarily in that of architecture.

One area in respect of which I want to put down a marker is the transposition of the Energy Performance of Buildings Directive. The latter is the elephant in the corner that we ignore at our peril. The Minister said in his succinct contribution, for which I thank him, that 50% of our energy consumption occurs in the building area, either in its construction or its operation. Deputy O'Dowd referred to the fact that the non-performance of that building in terms of insulation, because we are wasting the energy, still results in more elderly Irish people dying from hypothermia — probably in isolated rural buildings across the countryside — than is the case with their counterparts in Norway, which has a much lower base temperature in winter.

Europe is facing an energy crisis. We saw what happened to the Ukraine at Christmas with the arbitrary decision of the Russians. That matter has not gone away. Ireland is an island situated beside another island, both of which lie off the coast of mainland of Europe and we are energy takers. Our energy consumption, in terms of imported energy, has risen as a total percentage. We have no energy policy. We have a hybrid Department that is utterly confused. I am not asking the Minister to respond to this but the Government that replaces the current Administration will put in place a Department of Energy with a specific energy proposal. We will campaign for a common European energy policy, which is absolutely necessary. While one third of the buildings that exist have been built in the past ten years — that is a welcome sign of our prosperity — two thirds with desperately high levels of energy loss still remain.

In January 2009, anybody wishing to sell a house will require an energy certificate. Some 80,000 houses have been constructed and presumably sold in the past year and at least 160,000 second-hand houses were also sold. That means there will have to be 160,000 inspections because one will not be able to sell a house in three years' time without giving a certificate that can show — as when one opens the door of the fridge — the energy loss of one's house. From where will we get the building inspectors to do that? Where will we find the building surveyors and the engineers with the qualifications to provide that service? What will happen if a cowboy writes a certificate stating that a house is energy compliant and I buy it and suddenly discover that my central heating oil bill is twice or three times that envisaged? If oil costs US$70 a barrel now, it will probably cost US$100 in two to three years' times in light of the level of consumption. The supply of oil has spiked. We are now coming down the other side of Mount Everest. Demand is increasing and known supplies are reducing. One does not have to have a PhD in economics to figure out that when those two demands are at play in the marketplace, the price must inevitably rise.

We must start to reduce the level of our energy consumption. In the biggest area of our built environment, the domestic sector, we have this legal requirement and we are reasonably well advanced compared to other EU states. It is a complex area and time constraints prevent me from discussing it in some detail in light of the briefing material I received from UCD and elsewhere. This is an energy crisis problem that involves the Department of the Environment, Heritage and Local Government, local authorities, the Department of Finance, FÁS and the Department of Education and Science. We need provide a crash course for people to be able to meet the demand of the marketplace in terms of buying and selling of the order of 150,000 houses. Those houses will not be able to be sold from 2009 onwards if certificates of compliance relating to existing buildings cannot be obtained in respect of them. The first impact will kick in next January with regard to new buildings. That should be reasonably easy because of the components going into it. However, I can see a great deal of work in the future for Duncan Stewart and an entire army of those like him.

We can no longer pretend that we did not know this was going to happen. It is going to happen. It is happening now because we are discussing it here. In his reply, perhaps the Minister will indicate how we can gear up towards that compliance, how we might provide the crash course to which I refer, how the capacity of our IT system measures up, how we might provide continual professional development for an array of different people and how ways can be found for individuals to equip themselves to deal with this matter. There is no point introducing good legislation that contains very desirable objectives if we do not equip ourselves with the resources to implement it.

I welcome the Bill. The Labour Party will not oppose it on Second Stage. There are a number of issues that need to be teased out on Committee Stage. I wish to repeat the fundamental point, as highlighted by Deputy Twomey, that the existing system for monitoring the standard of construction and the building regulations is simply not working. The boom has brought about many benefits for many people but it has also brought many cowboys into the arena. It is only when the

[Mr. Quinn.]

dust settles that one can see the ruins. If somebody has bought a bum building, the last thing he or she will do is shout about it because he or she will want to offload it. He or she will, therefore, be fairly quiet about it. That is undoubtedly what is happening.

The current regulatory system of monitoring, invigilation and surveying is not working. No one is seeking an army of surveyors to inspect everything. The bureaucracy associated with that would be intolerable and would stifle initiative. Having regard to what has happened in the financial sector, we should determine whether we can do something similar in the construction sector, with all that implies.

We must start talking to people about energy. I would love to believe the Department of the Environment, Heritage and Local Government and the Department of Communications, Marine and Natural Resources could work together in this regard. Perhaps this should be a cross-referenced type of activity. It is a question of energy conservation and building compliance. No Member other than those in this Chamber and a few anoraks who are into energy policy are aware of what is coming down the tracks within two to three years regarding energy compliance for buildings and what is involved in obtaining the energy compliance certificate one requires.

When the Minister is concluding this legislation, I urge him to consider, in conjunction with the Department of Education and Science and all the other bodies with a role to play, how we should equip ourselves on the field to ensure we can implement the legislation in a way that complements the market and does not frustrate it or screw it up.

Mr. Morgan: I wish to share time with Deputies Catherine Murphy, McHugh and Cuffe.

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

Mr. Morgan: I welcome this legislation, which is long overdue. The transposition into Irish law of the EU directive on the energy performance of buildings, adopted on 16 December 2002, has been the subject of inexplicable and unwarranted delays. The directive was to have been legally transposed into State law and given practical effect by 4 January 2006. As with other EU directives with an environmentally beneficial impact, the transposition of this directive has been characterised by foot-dragging. Bearing in mind that we are amongst the slowest to implement such directives, one should note that the Minister, Deputy Roche, when speaking prior to the publication of this legislation, had the audacity to claim the legislation would "put Ireland to the forefront of the EU in driving energy efficiency in our homes, offices, factories and other commercial buildings".

We should not have to wait for directives from the EU to take progressive action to improve the energy-efficiency of our homes and buildings. As has been pointed out in this House on many occasions, this State is facing huge fines for failure to comply with our commitments under the Kyoto Protocol. Buildings, including homes and workplaces, consume approximately 40% of our energy resources. Improving the energy efficiency of buildings can play a significant part in reducing emissions output. EU research that informed the drafting of this directive indicated that CO2 emissions from buildings could be reduced by 22% through improving energy efficiency. In addition to its having an environmental benefit, improving the energy efficiency of buildings also helps to reduce the costs of heating, especially for low-income families, who face increasing difficulties as a result of escalating fuel costs, the cost of oil in particular.

Increasing energy costs will undoubtedly result in higher levels of fuel poverty. This needs to be addressed, particularly through carrying out structural improvements to enhance the energy efficiency of homes occupied by families on low incomes. We need to roll out a comprehensive Government programme in this regard. In budget 2006, the Government announced €65 million for renewable energy schemes, yet, two months later, the grants to householders in respect of the announcement have yet to be rolled out. What is the reason for this delay? I look forward to an answer. People building new homes or carrying out improvements to their houses are losing out. The relevant grants have long been in place in other European states and the details of the grants available to Irish householders should be published without further delay.

Although this legislation is welcome, it does not suffice. Far more needs to be done to promote the construction of eco-buildings. We need to go beyond directives from the EU and grasp every opportunity to reduce our dependency on energy from fossil fuels, the vast majority of which are imported. The construction of eco-buildings requires greater incentivisation.

This State is amongst the most oil-dependent in the world. Oil accounts for nearly 64% of our overall energy consumption, which is more than 20 points higher than the EU average. Our dependency on non-renewable sources of energy has serious and potentially damaging implications for the economy in the years ahead. The Government must publish a comprehensive alternative energy strategy without further delay.

To date, the Government's record on the implementation of policies to tackle climate change has been atrocious. It has pursued polices to promote the use of private transport, it dumped proposals to introduce carbon taxes and it is relying almost exclusively on emissions trading to meet obligations under the Kyoto Protocol. There is no genuine commitment to tackling climate change.

If this legislation is to be effective, it will need to be enforced. There is much detail on the BER certificate in the Bill and it will need to be clarified. I hope this matter can be teased out on Committee Stage. We have yet to see what will comprise the prescribed qualifications of, and training for, those issuing BER certificates. I fully agree with the comments of Deputy Quinn in this regard. We need to ensure there are mechanisms to monitor and inspect the accuracy of such certificates. As with other legislation, the key indicator that will determine the usefulness of this legislation will be how well it is enforced. Unless the resources necessary to enforce its provisions are made available, it will be of little use.

There are real concerns that the under-funding of local authorities is impeding the ability of local building-control authorities to carry out their existing duties. Increased responsibility must be matched with increased resources. Enforcement is essential and without adequate enforcement the directive and this legislation will be worthless.

I strongly welcome the provisions in this Bill that seek to strengthen the powers of local authorities in regard to ensuring access to buildings for people with disabilities. In Drogheda, in my constituency, people with disabilities were involved in a protracted campaign to allow the disabled gain access to a post office. It is outrageous that this campaign was necessary in regard to a public service. A similar campaign will shortly commence regarding the social welfare office. I therefore welcome strongly the introduction of disability access certification to ensure the disability compliance requirements of the building code are respected fully.

I also welcome the provisions in the Bill that limit the use of the titles "architect", "building surveyor" and "quantity surveyor" to suitably qualified people whose names are on a national register. There have been a number of high-profile instances of unqualified people passing themselves off to householders as qualified building professionals.

I look forward to Committee Stage when we can tease out a number of these issues. I welcome the publication of the Bill.

Ms C. Murphy: I welcome many aspects of this Bill but want to highlight a number of concerns. Strengthening the enforcement powers is a very positive feature and it is to the fore of the provisions. However, it is critical that it be in accord with the last paragraph of the explanatory memorandum to the Bill, which states: "The staffing and financial implications are being assessed and will be addressed during the enactment of the Bill". As has already been said, without people to enforce the legislation it will be merely academic.

The Minister's predecessor, or his predecessor's predecessor, made a commitment that local authorities would not be given additional responsibilities without providing them with the necessary resources. This is important to ensuring the practicality of the legislation.

I very much welcome the introduction of disability access certification. Part M of the building regulations quite obviously required more than legislation. Disability groups' expectations of a significant improvement in access to buildings resulted in frustration when they were not acted upon as envisaged. It is therefore very important that whatever can be done is done to ensure the legislation is implemented in practice.

Local authorities are very much on the delivery end and it is critical they have the power and resources to ensure significant improvements in this area. Refusing to allow a building to be opened without its having a disability access certificate is a very positive and welcome move. It is not open to interpretation, it is in your face and very useful. I want to ensure this is achieved. That additional powers are required indicates there is a profile of non-compliance by developers. It is important we increase the maximum penalties for breaches of national regulations. The guarantee of professional expertise across a range of disciplines is critical. It has already been said that we will not notice the effects of not having such a guarantee now but in years to come, when the flaws start to show up. We are starting to see the flaws of the last building boom at this stage. I have drawn attention to the manifestation of this problem in other areas.

While the measures I have mentioned are welcome, questions about enforcement need to be asked when additional powers and responsibilities are granted. I will continue to raise the issue of enforcement because I am familiar with this problem as it exists at local authority level. People are being shifted in and out due to the patchwork response that is to be expected when inadequate resources are made available. It is not right that the *per capita* levels of staffing are lowest in the areas with the highest level of development. County Meath, which has a similar population to County Kerry, has 700 employees in this area whereas County Kerry has 1,200 employees. The cracks start to show up when there is a disparity, essentially. It is difficult to see how a staffing level like that can exist in the context of an embargo unless special attention is paid to it. I recently attended a meeting in County Kildare, to which all the local Members of the Oireachtas were invited. We were told at the meeting that 800 unauthorised developments had been notified to the local authority in the last four years. I am sure many such developments were not notified to the local authority. We should all be concerned about the issue of compliance.

One aspect of this legislation that is of particular concern to me relates to regularisation certificates. I understand buildings may need to be regularised if mistakes are made, for example, but they should attract the same kind of penalties. One should have to pay more for a planning retention than for a planning application.

Mr. Quinn: Exactly.

Ms C. Murphy: Some practical measures should be put in place to ensure people who consistently break the rules do not get a competitive advantage. I have mentioned that there are 800 such people in County Kildare, which is some indication of the extent of this problem, but we do not have a comprehensive knowledge of the level of delinquency in this area. It is extremely important we take action in this regard.

I welcome the section of the Bill relating to energy efficiency, which is being introduced on foot of an EU directive. I often wonder about the environmental and social standards and workers' rights which would be in place in this country if we were not subject to prescriptive EU directives. That is my jaundiced view.

Mr. Roche: I am smiling because I expect the Deputy to canvass for a "Yes" vote during the next EU referendum campaign.

Ms C. Murphy: I have canvassed for a "Yes" vote when we have been voting on EU measures in the past.

Mr. Roche: The Deputy should persuade some of her friends to vote "Yes".

Ms C. Murphy: I should add that I have not advocated a "Yes" vote in all such campaigns.

Mr. Roche: The Deputy is right.

Ms C. Murphy: The Minister is taking up my time — I have just five minutes.

Mr. Roche: I apologise. I was just agreeing with the Deputy.

Ms C. Murphy: I will conclude by highlighting one area that is not obvious, but is important if we are to reduce our carbon emissions and the level of energy we need. It seems that while there will be a requirement to get a certificate in respect of older houses in 2009, there will not be any requirement to do anything about it. I consider this provision to be more of an encouragement than a requirement. I would be happy for the Minister to clarify whether I am misreading the situation. I am not sure whether I am reading the legislation correctly.

Mr. Quinn: The Deputy's interpretation of the Bill is correct.

Ms C. Murphy: That is what I thought. I am concerned that the legislation does not provide for an obligation in this regard.

Mr. McHugh: I welcome the publication of the Building Control Bill 2005 and its main provisions. I have serious reservations about the ability of the building control authorities throughout the country to police their new powers properly and impartially. Local authorities are not in a position to deal with the obligations which are placed on them at present. We impose new duties on local authorities from time to time even though they do not have the relevant personnel to carry out such duties. The problem under discussion did not begin during the term of office of the current Minister, Deputy Roche, but he is facilitating its continuance. There is no point in the House passing legislation when its Members know the necessary personnel are not in place to implement its provisions. The only purpose served by passing legislation in this way is to make Ministers feel better. They point to the many Bills they have introduced to deal with problems affecting communities or parties, but they bury their heads in the sand when the time comes to put in place the personnel needed to implement such legislation. An example of this farcical situation is the ongoing controversy relating to the failure of local authorities to take charge of unfinished housing estates. The Minister has told the House about the provisions he has introduced to deal with such problems, but he is merrily ignoring the fact that local authorities do not have the resources to implement such provisions.

As I speak about the specific measures in this Bill, I implore the Minister to ensure that local authorities have the personnel they need to carry out the additional work they are charged with doing. The section of the Bill that revises the procedures for issuing fire safety certificates is unclear. Further clarification is required in this regard before judgment is issued. I heard my right honourable friend, Deputy O'Dowd, speaking about the issue of retrospective certification, which cannot work. I welcome the introduction of a disability access certificate, confirming the designs of new non-domestic buildings and apartment blocks which will comply with Part M of the building regulations. I have severe reservations about the process of seeking High Court injunctions to stop the construction of new buildings if their designs have not been granted disability access or fire safety certificates, or if an enforcement notice that has been served by the local authority has not been complied with. I am sure there must be a simpler way of dealing with such problems. I am familiar with the level of preparatory work that is needed when one is involved in a court case. Local authorities do not have the personnel they need if they are to take part in that process in an effective manner.

I welcome the section of the Bill that provides for the registration of the titles of "architect" and "quantity surveyor". Discussions about such registration have been ongoing for a number of years. I cannot understand why success has not been achieved in this regard before now, although it is better late than never. The registration of those titles is a welcome development because it will give a greater degree of protection

to the general public. I welcome the transposition into Irish law of the provisions of the EU energy performance of buildings directive, which will necessitate considerable reductions in the amount of energy consumed. The requirements in this regard will come into effect in January 2007, which is welcome. The proposal in the Bill that the design of large — over 1,000 sq. m. — new non-domestic buildings should take account of the economic and technical feasibility of using energy systems needs to be fleshed out. This provision will be the subject of extensive discussion on Committee Stage.

Mr. Cuffe: Like Deputy Quinn, I wish to declare an interest. I am an architect and a member of the Royal Institute of the Architects of Ireland. My late father, Luan Cuffe, was the president of the institute some 44 years ago. I am sure he would have been delighted that this Bill has finally come to the floor of the Oireachtas. It may well have been on the list of promised legislation in Seán Lemass's time.

We need to build better buildings, instil public confidence in those who design our buildings and recognise the qualifications of such people. We should improve the quality of the buildings being built in Ireland, not only in terms of their energy performance and their accessibility but across the board. In 2006, we could and should be doing better in every sub-clause of the building regulations. We need to regulate the use of titles in the building industry. When one arranges to meet a doctor, one can reasonably expect the doctor has followed a recognised training course and achieved a professional qualification. Anyone — baker, butcher or candlestick maker — can put a sign on a door and claim to be an architect. With the greatest respect to those who work in the meat trade, many self-styled architects are butchers. We need to introduce regulations in this area.

We need to ensure that access to this industry is not restricted to Irish people. We should welcome the architects we have brought to these shores from South Africa, Poland, Slovenia, Italy and other countries by ensuring their qualifications, if they are valid, are recognised in this country. We also need to recognise those from Ireland who have demonstrated their ability, not through formal qualifications but through their work.

It is four years since the energy performance of buildings directive was approved by the European Parliament. Its provisions could have been brought into force here six weeks ago but the Government is dragging its heels on the issue. In the UK, any new building must have a high efficiency condensing boiler. In Denmark, water heaters that take the heat from the sun are commonplace in many buildings. In Germany, new buildings often have solar panels that generate electricity. Yet here in Ireland, one would be hard pushed to find insulation more than two inches thick for sale in many builders providers. At this rate, we will soon be the laughing stock of Europe.

It is crucial that the Government should pull up its socks in the areas of building control and regulation. It should do so sooner rather than later. Irish companies are manufacturing condensing boilers here but they are exporting them all to the UK because there is not yet a fully developed market for such boilers in Ireland. This is because the Minister is failing to bring our building regulations up to the standard that is currently mandatory in the UK. He should be doing much more to improve the building regulations in this area. He should encourage high performance timber buildings, make condensing boilers mandatory and promote the use of green cement. He could do much in this area and we are waiting for action from him. At a time when the building industry has added one third of our building stock in the residential sector in less than a decade, we are missing a golden opportunity.

This matter is just not about warmer homes, it is also about fuel poverty and improving the quality of life for those on lower incomes. Grants were provided in Scotland 15 years ago to make buildings weatherproof and watertight but we are still waiting for something similar in Ireland. There are no grants available at present for green energy solutions such as heat pumps, solar panels and so on. An announcement was made but we are still waiting for something to be implemented.

These policies are necessary not only at local level to make homes warmer, they are also required in the global context in light of the issues of climate change and peak oil in respect of which action must be taken. We need a radical response and that should be led by the Minister. We want to see energy labels now on all new buildings and on building leases. Such labels appear on fridges and they must be placed on buildings. We want to see Sherry Fitzgerald and Lisney being required to print the energy performance of the buildings they are selling in their advertisements. I do not see any sign of this in the Bill. These are the innovative measures that would bring home to people that there is a need to improve thermal performance, construct better buildings and take action.

We also need to ensure that new buildings are accessible to all. Under Part M of the building regulations, all new houses built since 2001 are supposed to be accessible to those with disabilities. A recent study found that only 4% of new housing developments in Dublin were accessible to people with disabilities and that only 25% of one-off houses in rural areas were compliant with the building regulations. That is not good enough. It is not just a sad reflection on our society, it is also a sad reflection on the Minister. It happened on his watch and he is shutting the stable door long after the horse has bolted.

Deputy Catherine Murphy referred to the crucial area of enforcement but there is no sign of the resources to which she alluded in the last

[Mr. Cuffe.]

part of the explanatory memorandum. On 25 October 2005, I asked the Minister if he had any meaningful data on the implementation of the building regulations. All he could state was that there were 41 prosecutions in 2004. There are 80,000 new homes built every year but there were only 41 prosecutions last year. I would like to think that the picture is rosy but I do believe that to be the case. The Minister needs to give clout, momentum and impetus to enforcement. There seems to be a two-tier system involving those who comply with the law and those who do not. There is little chance of the latter being caught at present.

The Bill goes some way to providing for proper enforcement but funding will be required. There is also a need for significant penalties for those who breach the law. In addition, provision must be made regarding the power to strike off the register those who are signing off on buildings that do not meet the code. I have no doubt that there are people signing off on buildings that do not meet the building regulations but, under the current regime, there is little chance that they will be caught. The Bill resembles the Minister: it talks the talk and it is full of good intentions but the devil is in the detail. The Minister will be obliged to show substance rather than style in terms of its delivery.

There is a view abroad that the Minister is in bed with certain sections of the construction industry or that he is, at least, supping in the same tent. We need more than pillow talk on this issue, we need resolve and vision. Mediocrity has cost us dear.

Mr. Roche: The Deputy is somewhat like Chemical Ali, he is some man to talk.

Mr. Cuffe: I am simply suggesting that the Minister pull up his socks.

Mr. Roche: The Deputy is a craven hypocrite.

An Ceann Comhairle: That is not the appropriate terminology to describe a colleague in the House.

Mr. Gilmore: That is unparliamentary language. Is the Minister not obliged to withdraw what he said?

An Ceann Comhairle: It is unparliamentary language. I would prefer if the Minister withdrew his remark.

Mr. Roche: I certainly will. It is an accurate reflection on the Deputy but I will withdraw it.

An Ceann Comhairle: That is not acceptable. It must be completely withdrawn.

Mr. Roche: I certainly will.

Mr. Cuffe: I am delighted that the Minister has withdrawn that remark.

Mr. O'Dowd: The Ceann Comhairle should throw him out of the House.

Mr. Cuffe: I suggest that the Minister should be doing much more to improve performance in respect of building output. He should be doing more to measure it. His party has been in power for nine years and he could do better.

I have high hopes that the Minister will occupy the high moral ground on this issue. I am sure he is capable of showing leadership and resolve and can deliver in respect of this important Bill. The Green Party will do its part to amend it in detail in a constructive fashion on Committee Stage.

Debate adjourned.

Private Members' Business.

Rent Supplement: Motion.

Mr. Gilmore: I move:

That Dáil Éireann, recognising that:

— due to high house prices, inadequate provision of social and affordable housing, and increased rents in the private rented sector, there are now approximately 60,000 households dependent on rent supplement; and

— the rent supplement as currently administered is causing serious poverty traps and disincentive to work;

calls on the Government to replace rent supplement with a new housing support which:

— would be related to housing need, income, and local renting conditions;

— would not discriminate between applicants on social welfare and those at work; and

— a recipient would not automatically lose on return to work and any reduction of which would be tapered as the recipient's income increases.

I wish to share time with Deputies Lynch, O'Sullivan and Sherlock.

This Labour Party motion directly affects 60,000 households and is of considerable interest to 200,000. It has implications for one in every five households in Dublin, Cork and Limerick and three in every ten in Galway. This motion is concerned with the needs of the men and women of no property in today's prosperous Ireland, with the tens of thousands of households and people who can not afford to pay rent and with Ireland's unique poverty trap, which locks low income workers

7 o'clock

into a choice between their State subsidy for rent and the taking up of an offer of work. The treatment of this motion in the House, in the media and among members of the public, will say much about the nature of modern Irish society.

According to the 2002 census of population, 11%, up from 7% in 1991, of housing was privately rented. The 2006 census will probably show private renting to be much higher again. The initial registration pattern in the Private Rented Tenancies Board would suggest there are now almost 200,000 private tenancies in Ireland, with approximately 120,000 individual landlords. Private renting is now the clear second to home ownership in the housing tenure league. The 2006 census will probably show there are now more than twice as many private renters in Ireland as there are tenants of local authorities.

The changed pattern of housing tenure is even more dramatic in urban areas. According to the 2004 annual report of Threshold, private renting now accounts for 29% of the housing stock in Galway, 22% in Dublin, 19% in Cork and 18% in Limerick. This pattern should not perhaps surprise us. It has been in the large urban centres that house prices have increased most dramatically in the lifetime of the Fianna Fáil-PD Government, and it has also been in the large urban areas that delivery of social housing has been most disappointing.

According to the recent report from the ESRI and Permanent TSB, the average price paid by a first-time buyer in June 1997, when the Fianna Fáil-PD Government took office, was €78,379. By the end of December last it was almost €250,000, an increase by a factor of 3.2. The result has been that young workers and families, deprived of the traditional opportunity to purchase a home of their own, have been forced to rent. Households, who might have expected to be housed by their local authority, have also been forced to rent privately for prolonged periods.

As house prices have increased, so too have rents. The rent for family-sized, three bedroom accommodation in Dublin is now €300 and €400 per week, depending on location, well above the rate of social welfare or the national minimum wage. Households who cannot afford these rents apply to their community welfare officer for a rent supplement or rent allowance. Depending on the circumstances of the applicant, the amount of the rent and the location, the community welfare officer may grant a rent allowance, which is effectively a State subsidy of the rent paid to the private landlord. The amounts paid can vary from €60 to €70 per week in Border and western counties to over €1,000 per month in Dublin.

Currently, more than 60,000 tenants in private rented accommodation receive a rent supplement, at a total cost of approximately €400 million per annum. At the beginning of the 1990s the number on rent supplement was less than 30,000 and the annual cost was less than €50 million. Put another way, there is now twice the number of households officially unable to pay their rent as there was before the Celtic tiger.

The 60,000 on rent supplement represent only a portion of those who cannot afford their rent. To qualify for rent supplement, an applicant must be on social welfare. Of the 60,176 on rent supplement, just 3,330 are in receipt of some form of employment support, such as back to work, community employment or back to education allowances. The rest are on a range of social welfare payments. I am circulating a table for the official record which gives the number of recipients of rent supplement at the end of 2005, broken down by the category of social welfare payment or employment support they receive.

Anybody in full-time employment, namely, employment of 30 hours per week or more, does not qualify for rent supplement. In the case of couples, if one member of a couple is in full-time employment, both are excluded from claiming rent supplement. This particularly nasty, anti-family provision was introduced by the former Minister for Social and Family Affairs, Deputy Coughlan, at the same time, ironically, that the Government introduced individualisation on tax. The denial of rent supplement to households where even one partner is working means there are tens of thousands of low-income families and low-income workers who are financially crippled with high rents. These are the working poor, who cannot afford to buy a home of their own, who have not been provided with social or affordable housing and who are literally working to pay the rent.

Professor Tony Fahey, Brian Nolan and Bertrand Maître, in the Combat Poverty Agency publication "Housing, Poverty and Wealth in Ireland" of 2004, state:

> A key finding of the study is that affordability problems in the Irish housing system are most severe in the private rented sector. . . Private sector tenants are burdened with far higher housing expenditures than any other tenure category and experience considerable financial strain as a result.

To support the argument, their study showed that about one in five private renting households had housing expenditures above 35% of income as against 1% of house purchases.

This is now the worst poverty trap in our economy and society. It is a direct cause of poverty, a source of resentment and a massive disincentive to work. I have lost count of the number of constituents who are on social welfare and who have told me they cannot take up offers of full-time employment because they will lose rent supplement. Their accounting is absolutely impeccable.

The Labour Party motion seeks to replace rent supplement with a new form of housing support, which will be related to housing need, housing costs, the circumstances of the applicants and the rent levels pertaining in the area concerned. This

[Mr. Gilmore.]

new housing support should not discriminate between those on social welfare and those at work and its reduction should be tapered as income increases. Such a new form of housing support is necessary in the interest of fairness and to reduce the financial hardship on working households who have to rent in the private sector and who currently receive no support from the State. It would also act to incentivise and reward rather than penalise those who take up paid full-time employment.

Rent supplement, as we have known it, has served its time. It was introduced in 1977 to provide short-term assistance with private rent, hence, its administration by community welfare officers in what was then the health board system. The need for rent support has, however, become a permanent feature of our housing system. The Government has allowed house prices to rise beyond the means of many working families. Indeed, it has actively encouraged investment activity in residential property to the disadvantage of first-time buyers. It is a cruel irony that the taxpayer, through rent supplement, is subsidising some of the high rents paid to landlords who simultaneously benefit from tax reliefs under various property development incentives for the very dwellings which attract rent supplement.

The issue of rent supplements has been raised with the Government on a number of occasions. The social partnership agreement of 2000 — the agreement prior to the current one — described the operation of the rent supplement system, and the withdrawal of the supplement on taking up full-time employment in particular, as constituting "a severe unemployment trap". The agreement, to which the Government was a party, went on to state:

> Specific consideration will be given to alleviating this unemployment trap, through the introduction of an appropriate tapering arrangement. The Government will consider this issue within the first year of this Partnership, in consultation with the Social Partners.

That was six years ago. It is worth recalling this week, when talks are underway on a new agreement, that the commitment on rent supplement affects some of the poorest families, who are caught in the wedge between being stuck on social welfare and getting employment. Six years ago, the Government committed itself in the social partnership agreement to introduce a tapering arrangement to get them out of that wedge but it has not happened. More recently, Threshold has drawn the Government's attention to the flaws in the rent supplement scheme. An excellent report by Threshold on rent supplement in Cork found that 21% of people on rent supplement are forced to pay top-up payments in addition to their required contribution. This is because the former Minister for Social and Family Affairs, Deputy Coughlan, introduced a cap, one of the cuts made in the rent supplement scheme. As a result, in practice there are now two rents, an official rent which is declared to the community welfare officer and on which a rent supplement is paid, and a top-up payment which the landlord extracts from the tenant in addition to the official amount. The recent Threshold report on rent supplements in Cork states that 21% of people on rent supplement are forced to pay a top-up payment to landlords.

The Simon Community confirmed this in a communication it sent to me in the past couple of days. It identified single people as being particularly vulnerable in this area because of the caps placed on the amount of rent supplement which can be paid to a single person who is not sharing accommodation. The reality for single people in private rented accommodation is that they either get a very poor standard of accommodation — a rip-off in itself — or if they get decent accommodation, they must pay a top-up.

The Government's response tonight may be that it is addressing these issues by introducing the new rental accommodation scheme, RAS, as reflected in the Government amendment. The House will recall that the RAS was the initiative announced by the Minister of State, Deputy Noel Ahern, in July 2004, whereby the local authority would rent accommodation from the private sector and effectively sub-let it, under the differential rents scheme, to those who had been on rent supplement for a minimum of 18 months. The scheme was to be piloted by eight local authorities, to be fully rolled out by all local authorities by the end of 2005 and fully operational by 2008. It is still at the pilot stage and it appears to be distinctly unpromising.

I have been informed that, to date, only 505 tenants have been transferred onto the rental accommodation scheme. Some 500 of these are from the voluntary housing sector, leaving only five tenants of private rented accommodation who have been moved off rent supplement on to the rental accommodation scheme. If it has taken 18 months to transfer five, how long will it take to transfer 60,000?

I understand that the reason behind the failure of RAS relates in part to a reluctance on the part of some landlords to commit properties to this privatised form of social housing and to a reluctance on the part of local authorities to take responsibility for accommodation which they consider to be sub-standard. Whatever the reasons, RAS will not solve the rent supplement problem for the foreseeable future and the rent supplement must be reformed or replaced to recognise the reality that State support for private renters will form a major part of our housing supports for some time.

The problem in the private rented sector and the immediate issue of the rent supplement would not be so acute if the Government delivered on social housing. The target in the Government's national development plan was for 35,500 local

authority houses between 2000 and 2006. By the end of September 2005, 20,600 of these had been provided. By the end of 2006, the total is unlikely to reach 26,000, nearly 10,000 houses short of the Government target. The NDP also set a further target of 4,000 houses per year from the voluntary and co-operative sector. That target is coming in at 1,600 houses per year, mainly because of land acquisition and bureaucratic blockages caused by the Government.

The Minister and the Minister of State constantly heap praise on themselves for the record performance of the residential building industry. Over 80,000 houses were built in this country last year, but only 5.8% of those were social housing, down from 6.7% in 2004, 8.9% in 2003, almost 10% in 2002 and well down on the 12% recommended by the NESC.

If the Government delivered on social housing, there would be fewer trapped on rent supplement in the private rented sector. If the Government delivered on the promised affordable houses, there would be fewer working families forced into the private rented sector. The Government butchered Part V of the Planning Act and as a result only approximately 4% of the affordable houses achievable under Part V have been delivered. The Government has also failed to deliver on the promise of the 10,000 affordable houses promised under Sustaining Progress.

The Government has made it more difficult for workers and families to purchase a home of their own. It has created the circumstances whereby the State must subsidise the rents of those who cannot afford homes. This is not desirable, but it must be faced up to. Everyone has a right to a home and it is the responsibility of the State to vindicate that right. I ask the Government to accept the Labour Party motion on rent supplement and the House to support it.

Ms Lynch: I express my deep appreciation to Deputy Gilmore for raising this issue and for the research he put into the motion. For as long as I know him he has had a huge interest in the issue and has extensive knowledge of it.

Many of us here may not realise that today is Valentine's day because we have probably not been reminded with gifts and flowers. People who do research on the effects of such celebrations inform me that on every Valentine's day there are more proposals of marriage and offers of cohabitation than at any other time of the year. I see from the silence that nobody here was that lucky this year.

We must move on from Valentine's day to when the gloss goes off the roses and the offer becomes a reality. How do couples set up a household here? Where do they go to live and how do they manage it? If both partners in a couple are not in full-time employment, the bank is not generous enough or they do not have wealthy parents, they usually end up in private rented accommodation. Some 40% of all those in private rented accommodation are in receipt of rent supplement.

After the hash made by Deputy Coughlan when she was Minister for Social and Family Affairs, we were all a bit relieved when Deputy Brennan took over the Department. In my first conversation with the newly appointed Minister at the time I asked him about rent supplement and suggested introducing a sliding scale to allow people, who had no option other than to live under this draconian scheme, to go out and find work. We all know these people because they visit us every day of the week and they are usually young women. Young men do not normally leave home, perhaps because they have more sense. However, there are some men in the rent allowance trap, usually middle-aged men whose marriages or relationships have broken down who find themselves in sub-standard accommodation and on rent allowance.

Let us look at the young women in this situation. They have decided to go out and make a life for themselves, perhaps because of overcrowding or other conditions in the home. Not only must these young women suffer the indignity of sub-standard accommodation, they must suffer the glare of people who wonder why they do not work. The reason they do not work is that if they do, everything they earn is deducted, euro for euro, from their rent allowance.

A welfare officer I know has told me that the latest changes to the rent allowance scheme has made her job virtually impossible because she now measures up to the reputation of a community welfare officer. She has become hard-hearted and stony faced because whatever flexibility there was with the scheme is gone. It was removed by Deputy Coughlan when she put a cap on rent allowance. This was the most appalling cut of all.

As Deputy Gilmore mentioned, most people top up their rent allowance in paying the landlord. A statement is received from the landlord that the rent is a certain amount, and the community welfare office pays on that basis. The tenant may then pay between €20 and €40 a week to ensure he or she can stay in the accommodation. The alternative is that the tenant seeks worse accommodation and probably not get it. Several reports have been carried out on this and it is not as if the Department is not aware of such a practice.

The State has abandoned to the private sector our responsibility for housing. This Government is complicit in that, and the person directly responsible is Deputy Noel Ahern. We have decided that the private sector will do the State's job for it. Not alone will the private sector do this, but the State will pay for it to be done. We will pay the private sector not once but twice. We will support the private sector when it decides to move to another area or more lucrative opportunities.

[Ms Lynch.]

In Cork city, there are 9,465 recipients of rent allowance. Cork City Council has in its housing stock 7,710 local authority houses. It is clear from these figures where the shift has occurred, that there has been a shift to the private sector. In many cases, one can see why people choose to live in the private sector. In many cases the accommodation is better, which is not a good reflection on the Minister's Department.

Young men and women are stuck in a bind they cannot get out of. Local authorities are no longer building houses, and if they do, their number is so few that applications are incredible. Cork City Council's housing list runs to 5,500 people seeking accommodation. That is incredible. If anybody on the Opposition benches was responsible for such a record, or the record read out by Deputy Gilmore regarding the reduction in house builds in the social sector in the past five years, we would be ashamed to come in here, let alone heckle the person telling us about it.

A study has also indicated that people on rent allowance are excluded from approximately 70% of private rented accommodation. This was done in a peculiar manner, and it is something I have noticed since examining the Threshold report. There are advertisements in, for example, *The Evening Echo* or the *The Examiner*, with subtle details such as "only professional couples need apply". In other words, people with rent allowance should not apply. If a person inquired about these advertisements and asked if rent allowance would be accepted, the response would usually be negative, as difficulties may have been experienced in the past, for example.

Mr. Stagg: The person would be caught to pay tax.

Ms Lynch: That needs to be tackled. The Minister cannot allow the system of rent allowance as it now exists if houses are not built for people to have permanent homes. To allow the system to continue is to ensure people are placed in poverty and kept there for the rest of their lives.

Mr. Sherlock: Housing is an essential social need. The Taoiseach and his Ministers are telling people what a great country this is and how wealthy we are, but they have failed to consider the housing needs of our people. The increase in the cost of rent supplement to the Exchequer is directly linked to the lack of adequate investment by the Department of the Environment, Heritage and Local Government in local authority housing programmes. Clear figures have been given on this by my colleagues.

The aim of any rent supplement should be to temporarily alleviate financial suffering on those within the rental sector while housing and financial needs are being met. Those who benefit from rent supplement find that, once their financial circumstances improve, they are still without a form of financial support while they are waiting to be re-housed. In the towns and villages of north Cork, where I come from, some people are waiting for between five and eight years to be re-housed. That is an awful state of affairs. In Cork East alone, Cork County Council and local town councils such as those in Fermoy, Youghal, Mallow and Cobh, are becoming ever more dependent on the Part V provision to meet local housing needs.

What is being done with the Government's money and why is it not buying the land to build local authority houses on? We have a scenario whereby private developers are meeting social needs under the Part V clause. In some cases local authorities are actively engaging with housing associations for the provision of social housing responsibilities under the Part V provision. Housing associations do not allow for the eventual purchase of the house. Rents relative to those of the local authority are marginally higher while no opportunity arises to purchase the house.

The dependency on rent supplement will only end when a significant investment is made in the local authority housing programme. The market for housing means housing support as outlined by my colleagues is more equitable and allows for a greater transition period while people readjust. Private investors realise there is a ready made market comprising of rent supplement dependent families and individuals. The increase in house prices has forced more people on to housing lists. It is essential to provide housing for our people. This is not being done by the Government, and I support this motion wholeheartedly. Many adjustments must be made.

Ms O'Sullivan: I commend my colleague, Deputy Gilmore, for the motion and the manner in which he outlined the case, complete with detailed facts and figures. I hope the Minister and the Minister of State have digested the information, and I am sure Deputy Gilmore will give them a copy of his speech later if needed. I commend my colleague, Deputy Penrose, who will respond tomorrow evening from the perspective of his brief as spokesperson on social and family affairs.

I wish to concentrate on my experience as a public representative in dealing with individuals caught in this trap. This has motivated me to be very concerned about this issue. I have entered into correspondence with the Minister, Deputy Brennan, with regard to people caught in this trap. I received a long letter from the Minister, dated 25 January 2006. I have also engaged with local community welfare officers and the appeals office of the HSE mid-western area with regard to a number of individual cases.

I wish to begin by outlining to the Minister and Minister of State the type of people caught in this trap. I will refer to two in particular. One is a lady who did not get the opportunity to receive much education when younger. She is now a lone parent with a number of children. She is living on rent allowance in the suburbs of Limerick city.

She had the opportunity to go on a CE scheme, which she took. She went on the CE scheme in a local impoverished community, was doing very good work and was also put on a return to education scheme.

There was a misunderstanding in previous correspondence, and she was not on a back to education scheme. Return to education is part of the FÁS-run CE schemes, whereby somebody with little or no education has the opportunity to increase literacy skills on the scheme. She was doing very good work for the community concerned and she was able to help her family. She had a rent allowance and her children were going to the local school. Everything appeared fine. She then received a letter from her community welfare officer stating her rent allowance would be cut because her combined income from her one-parent family payment and her community employment scheme money was above the €317.43 limit, which has not been increased for several years. At that point, she came to me.

I took up the issue with both the Health Service Executive mid-western area appeals office and the Minister, but no solution has yet been found to her problem. She has had to give up the CE scheme and the opportunity it offered return to education as that was the only way she could keep her house. She showed me letters from her landlord, which is not an individual landlord but a company that owns many houses, threatening to evict her if her rent was not paid after her rent subsidy stopped.

That is one example of the kind of person who is caught in this bind. In this day and age when much work is available and people are willing to participate in such schemes, I do not accept that this woman, who would have proceeded from the CE scheme into work and used the education opportunities to start a new life for herself and her family, should be put back into the poverty trap.

I wish to quote from correspondence I received from the HSE mid-western area appeals office. Having sent a copy of the reply I received from the Minister for Social and Family Affairs, Deputy Brennan, I received a letter from an appeals officer which stated:

> The only reference in the reply which is relevant to the case where a Lone Parent avails of a Community Employment scheme is the fourth last paragraph [The Minister sent me a lengthy reply mentioning all the wonderful things he was doing] where the Minister states that a person may still qualify under standard rules, where their income is greater than the €317.43 limit for retention.
>
> In the cases which have come before the Appeals Office in the recent past [I know of three people on this CE scheme who were in the same situation as my client] I can state that the combined income of One Parent Family Payment and Community Employment income is more than the €317.43 limit and under standard Supplementary Welfare Allowance rules the persons supplement is reduced or ceased.
>
> Standard rules of assessment is where the combined income less a €60 disregard for part-time earnings is compared to the basic supplementary welfare allowance rate for the family size. Any excess earnings plus a €13 minimum contribution by the person towards their housing costs is deducted from the maximum amount of rent allowance allowed for their family size.
>
> I can reaffirm that these cases were examined with regard to current legislation and the decisions found to be correct.

Having dealt with this officer many times before, I know that this is a nice and very caring appeals officer who will rule in favour of the person whenever she can. However, she could not do so in this case because of the legislation. I appeal to the Minister to consider this case before he introduces the Social Welfare Bill to see whether we can get people out of such poverty traps. Our motion suggests one solution.

The other person I want to mention is a lady who has been on Limerick County Council's housing list for seven years. Again, she lives in the suburbs but she is not considered as a priority in urgent need of housing because she is not homeless and she does not live in overcrowded conditions. Now that the woman's children are in school she wants to take a part-time job, but that would mean she would lose her rent allowance. She is caught in exactly the same bind as the first lady I mentioned. The county council has told her that it has no intention of housing her in the near future. She lives in what might be described as one of Limerick's more affluent suburbs where many houses are available for rent, but that is no good to her because she cannot go out to work. The county council will not house her because, for some reason, it considers it important to build houses out in the county rather than in the city suburbs.

Although we are told there are many jobs and many people coming into the country from other places — which is fine — some people are still caught in a poverty trap. There are people who want to work but cannot do so because they will not be able to keep their house if they do. As my colleagues said, not enough local authority houses are available for those who are not prioritised. The new RAS scheme that is being piloted will not address the problem because I understand — I checked the details with my local authority today — participants in the RAS scheme are still governed by the same rules determining whether they qualify for rent allowance. Therefore, that will not be a solution for them.

As my colleagues mentioned, people are having to pay private landlords over and above what they receive in rent allowance. That is because of the cap on what a person's house can cost, which depends on the size of the person's family and varies according to the limit set in each health

[Ms O'Sullivan.]

board area. If the landlord demands more money, people on rent allowance need to pay up because they will have no house otherwise. Many people, especially those with children, find it hard to secure accommodation within the qualifying price range for rent allowance, so they are required to hand over extra money to their landlord on top of what they receive in rent allowance. I do not think that is fair. The Minister must find a solution for these people.

From my reading of the long letter I received from the Minister, who is a caring Minister, I am not sure he fully understands the traps people face. The first lady to whom I referred was involved in a community employment scheme in South Hill which I know the Minister visited some months ago. Having heard him say that people would be given the opportunity to go back and get an education, she thought the Minister really wanted her to avail of that opportunity. However, her experience was that she had to give up the opportunity to avoid giving up her home as the county council would not offer her accommodation suitable to her needs and that was available in the short term. Given the kinds of bind we have highlighted, we want a real response from the Minister.

A related issue is that people on social welfare do not qualify for the shared ownership scheme — certainly that is the case in my local authority area — and the affordable housing scheme because their income is not high enough. Similarly, applications under the tenant purchase scheme, which allows people who are already in a local authority house to apply for a local authority loan to buy their house, are refused to people on social welfare. I had a case in which a woman who cares for her intellectually disabled brother — one of them is 50 and the other is in their 40s — was told that, even though they could afford to pay the money back, the fact that they were on social welfare meant that, although they could be approved for tenant purchase, they would need to find a loan from the private sector because the local authority could not provide them with a loan.

In effect such people are caught in a bind because they cannot benefit from any of these schemes. The rent allowance limit of €317.43 means that they cannot improve their situation and contribute to the economy. That is not good for anybody. I do not see how, in the present affluent times when so much work is available, the Government can stand by and leave people stuck in a situation in which they cannot go out to work. That is the basis for the Labour Party motion.

The motion describes in reasonable terms the situation people face. It highlights the need to give attention to the rent allowance issue in the short term and to tackle what is possibly the more important long-term issue of the supply of local authority houses for those on waiting lists. Unlike others who quoted statistics, I do not know the numbers on waiting lists in the three local authorities that cross my constituency but I know the figure is sizeable. I also know that accommodation is not being provided for anything like the number of people who require it. In particular I am concerned about those who are stuck on a local authority waiting list because they are not top priority, homeless or suffering in overcrowded conditions. The rent allowance they are given provides a great deal of money for private landlords but it does not address the needs of the individuals concerned.

A further issue is the amount of public money that now goes to private landlords, many of whom do not provide houses that have the best of standards. As my colleagues have pointed out, many of those private landlords also receive subsidies from various tax schemes. The public money that goes in the direction of private landlords would be much better employed in providing housing for those who are on housing lists.

I commend my colleague, Deputy Gilmore, and I hope the Minister will respond positively to the Labour Party motion.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"acknowledges the achievements of the Government in:

— increasing housing supply as the key response to the broad range of housing needs;

— ensuring that over 500,000 houses, equivalent to one third of Ireland's total housing stock, have been completed in the past 10 years;

— facilitating the 11th successive year of record house completions through the addition of 80,954 in 2005;

— providing SWA rent supplement payments to 60,000 people and introducing the rental accommodation scheme, RAS, to provide improved and more secure arrangements for SWA rent supplement recipients with long-term housing needs, thereby reducing dependency on the supplementary welfare allowance scheme;

— putting in place a range of initiatives to expand the supply of affordable housing including the establishment of the affordable homes partnership to address requirements in the greater Dublin area;

— modernising and improving the operation of the private rented sector through the introduction of new legis-

lation and the establishment of the Private Residential Tenancies Board;

— developing and implementing an integrated strategy on homelessness, effective programmes for Traveller accommodation and an expanded role for the voluntary and co-operative housing sector; and supports the Government vision for housing as set out in the new housing policy framework

— Building Sustainable Communities, including plans to substantially expand investment over the coming years and develop a range of initiatives so that the maximum number of people can access high quality and affordable accommodation; and endorses the action set out in the framework to provide appropriate accommodation responses for those on rent supplement who can benefit from the rental accommodation scheme, including contributing to addressing issues relating to the elimination of poverty and employment traps."

I propose to share time with the Minister for Social and Family Affairs, Deputy Brennan. I welcome the opportunity to outline the very considerable successes this Government has achieved since 1997 in increasing investment in housing, expanding the range of housing supports and generally facilitating a vibrant housing market. It has been perhaps the most remarkable era for house building since the foundation of the State, a circumstance helped in no small measure by the priority given to housing by this Government. I apologise if I sound like I am congratulating myself but I am only being factual.

Over the past ten years housing demand has been both a cause and effect of our prospering economy. The economic factors giving rise to increased demand are real and, for the most part, welcome. The story is one of unprecedented and sustained economic growth, high employment creation with record numbers of people at work, including an increase of 90,000 in 2005 alone, growth in disposable income that has been stronger than in any other industrial country, low inflation and low interest rates.

Along with economic prosperity has come significant demographic change. Ireland's population has increased by around 15% in the last decade, with growth in the number of households much higher at 41%. The result has been to drive the demand for housing beyond a level at which it could be met at traditional levels of supply.

These economic and demographic trends are part of our continuing economic success. We must view increased demand for housing as the inevitable consequence of a dynamic economy and a changing society. Embracing these positives, this Government has focused on gearing supply to meet rising demand. We have delivered and will continue to deliver.

In 1996 less than 34,000 new homes were built. In 2005, the 11th year of record house completions, there were over 80,000. To put the scale of activity into perspective, over one third of the country's houses will have been built in the past ten years. Crucially, we are delivering where demand is most acute and have increased supply to 18,000 units in the greater Dublin area, by some 7%.

All indications suggest that high levels of housing output will be required into the future. Recent projections from the CSO suggest that, in the period to 2020, Ireland's population will increase by approximately 1 million people. A population increase of this magnitude requires that we maintain a high level of housing output with an annual supply of 58,000 units between now and 2020.

What has been achieved has been remarkable and the Government will continue to provide investment in public infrastructure to underpin a strong housing market. We also understand that the housing market on its own cannot solve all our housing issues. There is a role for direct State intervention in support of those who cannot afford to purchase or rent suitable accommodation from their own resources. The provision of this support remains a key objective of Government.

In the last budget €54 million additional capital funding was provided for housing in 2006, which means an additional €100 million available this year for social housing, and the capital envelope has been increased which amounts to €300 million extra over the next three years. That will take total Exchequer funding for social housing over the next three years to €4 billion, which is almost 20% higher than spending in the last three years. Deputy Gilmore mentioned the national development plan, but spending is up by 8% over what was projected, notwithstanding the output statistics.

Mr. Gilmore: Spending went up everywhere.

Mr. N. Ahern: It did not.

Ms Lynch: Where did that money go?

Mr. N. Ahern: It did not produce all the units that were forecast but the money is there.

The local authorities almost have a free rein to build what they like. Deputy Sherlock said they were sitting on their backsides relying on Part V arrangements to bring forward social units. We are giving them all the money they want for their action plans so they should get on with it.

Ms Lynch: It is the Minister's job to oversee what they are doing.

Mr. N. Ahern: To be fair, social housing completions are up by approximately 600 units and starts are up by approximately 900, so they are delivering. Deputy Sherlock obviously thinks they are not and there is a danger they take the

[Mr. N. Ahern.]

lazy option and wait for activity to come about through Part V. It might have been stop-start in the past but it is not now so they should get on with it. The outturn for last year is quite impressive.

The new housing policy framework document, published before Christmas and entitled Building Sustainable Communities, provides the framework for a wide-ranging review of housing policy. In the new statement we set out our goals for the coming years. Above all, this will focus on achieving high quality sustainable developments in urban and rural areas.

The Government remains committed to the objective of expanding the opportunities for as many households as possible to own their own homes. For those who cannot afford to access adequate housing without assistance we have increased the level of support through a range of affordable housing initiatives. These include the shared ownership scheme, the 1999 affordable housing scheme, affordable housing through Part V arrangements, the affordable housing initiative and a proposed new tenant purchase scheme which, from January 2007, will allow for the sale of local authority flats under certain conditions. As I said at Question Time today, while we hear about the average prices of new and secondhand homes, there is good value in the affordable market in the Dublin suburbs. Two-bedroom houses in Tallaght and Clondalkin are available for €142,000 and three-bedroom houses for €172,000. Many people in relatively ordinary jobs are going for those and their needs are being met. The waiting lists are down by 9.5%.

Mr. Gilmore: The Government changed the way it counted them.

Mr. N. Ahern: People in a higher income bracket have left local authority housing because they have gone for affordable units, which cater for a substantial need.

Housing is a local issue, and we must recognise that needs and responses to those needs must be conceived and designed to take account of this. Recognising the particular affordability issues in the Dublin area, the Government established the affordable homes partnership last year to co-ordinate and add impetus to the delivery of affordable housing in and around the capital. The partnership is chaired by Des Geraghty, is now well-established and is making good progress on the implementation of its work programme.

I mentioned the pilot land swap of a site at Harcourt Terrace last year, and the 193 housing units secured in exchange for the site in the south-west of the city are now available at reasonable prices. The partnership has also advertised a further land swap involving a site on Nutley Lane, and where the swap mechanism is appropriate it will be employed in advancing other projects in the coming months. Crucially, the partnership also has a role in bringing forward additional land for housing development. It invited submissions in November 2005 from parties interested in providing and developing land primarily for affordable housing and the submissions received on foot of this are now being considered.

I also acknowledge the work done by the voluntary and co-operative housing sector in meeting social housing needs. With the increase in the capital limits announced recently I expect that sector to receive a boost. Altogether the needs of some 14,000 households will be met from funding for social and affordable housing measures in 2006.

Mr. Gilmore: Pure fantasy.

Mr. N. Ahern: This compares with 8,500 seven or eight years ago. The completion figures for last year are good. Deputy Lynch mentioned the number on the waiting list in Cork city, but nationwide the list is down 9.5% from three years ago.

Mr. Gilmore: The Government changed the way the figures were counted. It juggled with them.

Mr. N. Ahern: The figure is now approximately 43,000 households, and many of them will be single people though we do not have the detail yet.

Ms Lynch: They are just those who are eligible. There are a further 3,000.

Mr. N. Ahern: If Deputy Lynch is friendly with any councillors will she press them on the matter? They can build what they like now.

Ms Lynch: That is the Minister of State's job.

Mr. N. Ahern: I am doing my job. I was trying to provide the Deputy with a little information because she does not seem to be in receipt of the facts. There is no hold up. I have been long enough in this business to remember occasions under previous Governments when funding was not available. The standard excuse given was that it was buried in the Department of the Environment, Heritage and Local Government but such situations no longer obtain. Plans by local authorities, whether for new buildings or regeneration, are quickly approved and the authorities have almost free rein on these matters. We operate by the action plans they draw up and reflect their wishes.

The Government has repeatedly shown its commitment to the development of an active and sustainable private rented sector which offers security of tenure, flexibility and good quality affordable accommodation. With that in mind, the Residential Tenancies Act 2004, enacted in

July 2004, provides for major reform of landlord and tenant law.

In recent years a significant number of households, including families on local authority housing waiting lists, have had to rely on rent supplement. It is important to acknowledge that change is needed over time and, for many of these households, what may once have been a short-term income support has evolved into a longer-term housing need. To break the cycle of dependence on rent supplement and further expand our response to changing housing needs, the Government last year introduced the rental accommodation scheme. This will be a major initiative——

Mr. Gilmore: It is not working.

Mr. N. Ahern: Give it time and it will address some of the poverty traps raised by Deputy O'Sullivan.

Ms Lynch: How much time?

Mr. N. Ahern: The key objectives of the new scheme are to provide an additional source of good quality rental accommodation for persons in need of housing support, bring about a reduction in long-term dependence on rent supplement and ensure equity of treatment between local authority and RAS tenants by enabling RAS recipients to seek and gain employment without loss of housing supports. That will happen in the future.

Ms Lynch: Why can it not happen now?

Mr. N. Ahern: We cannot just switch over because it will take a couple of years to develop.

Mr. Gilmore: What will the Government do in the meantime?

Mr. N. Ahern: The scheme will help to address the issue of homelessness by making independent living a more realistic option through the use of RAS as part of a wider tenancy sustainment programme and will bring about a real improvement in standards in the private rented sector through the sole use of good quality accommodation for RAS tenants. I accept that only 700 people have moved across to date and that most of those are in the voluntary sector. A problem arising for early transferees is that the quality of accommodation is deficient and some people in receipt of rent allowance refused to transfer over because the accommodation was not good enough. In time, however, this will be a great system for improving the quality on offer to social tenants. Basically, we are telling the landlord to bring their properties up to proper standards because it is only right and proper that social tenants, whether of local authorities or on rent allowance, are in good accommodation.

Ms Lynch: Why should that matter? It does not matter to the Department of Social and Family Affairs because it will still pay.

Mr. N. Ahern: Certain problems arose over the years and this is our opportunity to sort them out. The new system will enhance the capacity of local authorities to respond to demands for a graduated and flexible system of housing supports to meet long-term needs. RAS is a supply based social housing support designed to cater for the long-term housing needs of rent supplement recipients. It is estimated that approximately 60,000 households are in receipt of rent supplement, just over half of whom have been on rent supplement for more than 18 months.

The success of RAS will depend on a strong rental market. Local authorities have a range of options for tapping into this market, including entering into direct contractual arrangements with existing accommodation providers in the private rental sector, bringing forward existing and new accommodation from the voluntary and co-operative housing sector and securing additional accommodation through new build PPP projects, which would be financed, developed and operated on a long-term basis by the private sector but made available exclusively for households nominated by local authorities.

The rental accommodation scheme should be seen as part of a graduated range of housing supports and an additional supply option for authorities. Households can indicate their preference to be accommodated by local authorities under RAS, apply for local authority housing or be considered for both. It is important that tenants are afforded choice as only 25% of rent supplement recipients have expressed an interest in being accommodated through local authority housing. The new approach provides an active, supply based approach to meet long-term housing need instead of depending on short-term rent allowance payments.

Roll-out has commenced in 15 authorities representing over 70% of the transferable households on rent supplement and all remaining local authorities are due to implement the new arrangements by mid-2006. The Government has allowed four years, to the end of 2008, to complete implementation of the scheme. I see this approach to meeting long-term social housing need as facilitating a more flexible response by housing authorities that will at the same time help improve accommodation standards in the private rented market and will give more choice and greater long-term security to tenants. The scheme marks a fundamental change in housing policy and will improve co-ordination of housing activities by strengthening the role of local authorities

[Mr. N. Ahern.]

in housing provision and support services. In future years, RAS will be viewed as one of the most significant Government interventions in housing.

Beyond the provision of housing, a requirement will remain for the provision of short-term income support to households unable to meet their immediate accommodation needs from their own resources. My colleague, the Minister for Social and Family Affairs, Deputy Brennan, will speak to that matter.

Minister for Social and Family Affairs (Mr. Brennan): I want to refer to matters raised by Deputy Gilmore and others. There is a case for reforming rent allowance because the reality is that the State is paying approximately €400 million per year on a temporary basis to house 60,000 people. The questions arising from that issue are obvious. For example, would it be preferable to put that money into permanent housing? If one went to the local bank with €300 million per year, it would probably write a cheque for €6 billion, which would build a lot of houses. What, however, is to be done with the people who have fallen on hard times without notice? They have to be looked after in some way. I am certainly open to reforming rent allowance in some way but it must be done in a practical and sensible manner.

When solving one problem, we do not want to create further trouble. For example, it is often suggested that people have to pay top-up payments because the rent is too high and, therefore, rent allowance is too low. However, we account for 40% of the rent in the State and much of the rent in Dublin is set by landlords at the rate we pay, so rental costs would be driven up if I raised the limits tomorrow. I am slow to increase the allowance because the landlord would grab it. I want it to be available to people for genuine purposes but I do not know whether a solution can be found by raising the caps ever higher. Reforms are needed but that on its own is not a good answer.

As the Minister of State, Deputy Noel Ahern, mentioned to me earlier, in some cases, such as single men in different parts of the country, the cap may not be as high as it should be. On the other hand, the allowance of approximately €1,200 in Dublin is as high as it can safely be without pushing prices through the roof. Maybe we can juggle it around between the two extremes but we have to be careful when doing so.

There were calls from the Opposition for more State support for private renters but the rental scheme exists to address just such a need. The solution is the provision of permanent housing rather than to condemn 60,000 to permanent rent allowances. It is a short-term income support measure. The Deputy's point about tapering is correct and we have been trying to deal with that issue. I am fully committed to putting that in place more aggressively. I accept that the higher the rent allowance, the greater the disincentive for people to go back to work. People visit my clinics who say that the rent allowance is very good but if they go back to work, they begin to lose the supplement. If we increase rent allowance further, that argument will be made to all Deputies in their clinics even more strongly than at present. A doubling of the allowance or a removal of the cap might be welcomed but it would mean that fewer people would be able to go back to work because the higher the allowance, the harder it would become to put effective tapering measures in place.

8 o'clock

I want to ensure that we have an effective tapering mechanism in place and that rent allowance is a temporary measure rather than a permanent response. The allowance should help people through a difficult period and should be sufficient to help those who need it, in particular, lone parents for whom there is a higher than usual disregard.

My colleague, the Minister of State, Deputy Noel Ahern, has outlined Government policy in the housing area and we both accept that there is a need for joined-up Government in this area. We need more co-ordination between the Department of the Environment, Heritage and Local Government and the Department of Social and Family Affairs to get the balance right between providing physical housing, either private or social, and providing rent allowance for those who are in need. Among the 60,000 recipients of the allowance, many are in desperate need but there is some evidence of the system being played by a number of people. Such people move from one form of rented accommodation to another without tackling the fundamental issue.

In an ideal world, I would prefer to give the €300 million in mortgage support to people to buy their own houses. If I could organise that, I would prefer to do it, quite honestly, rather than giving it in rent to landlords who can take the money down to a bank and arrange their next project on foot of the rent roll which they can guarantee from my Department. It would make much more sense if I could say the budget is €300 million, we would buy some houses and put families on the property ladder. That would be a much better solution.

We want effective tapering in place and will not tamper with the cap until we are convinced that it will increase prices. We are trying to move towards a lasting solution and the Minister of State, Deputy Noel Ahern, has laid that out, namely, moving people out of the rent allowance scheme and onto the housing schemes as quickly as possible. That is the right road to take.

A number of Deputies referred to poverty traps and wedges. As earnings and rents increase, it becomes more difficult for the welfare system to keep up. As a result, we are constantly creating

new wedges or traps and if we try to eliminate them with increases, the effect is a spiralling one whereby such traps become more acute but at a higher level. We must be careful that in solving a specific issue in this area, we do not create other problems, for example, making an allowance so good that people cannot possibly go to work. We must not send out a signal to people that we do not want them to go to work, back to education or to get themselves a house on the open market if they so wish. That is not the signal we want to send out. We want to help people in genuine need but we do not want to comfort people so that we cannot get them to a point where they can afford a house or to go back to work or education. All Members of this House know that housing, work and education are the permanent solutions in this area. Everything else is a stop-gap and a temporary solution. We must be very clear about that.

Like the Minister of State, Deputy Noel Ahern, I wish that the level of tenant placement under the rental accommodation scheme was higher but I note that the rate of transfer has increased over the past three months. That scheme is being pushed within the Department so there should be more progress in that area over time.

There is no question of people being left without housing support. We will continue to pay the rent supplement until we can find other solutions, but it must be remembered that the rent allowance is only a safety net within the overall social welfare system. It was never meant to be anything other than that. It was not meant to be a permanent allowance. The rent allowance scheme itself may be permanent but the day that we decide it is a permanent allowance for a family or an individual is the day we give up on them, which is not fair. We must activate such families if we can. If they have the option, we must genuinely try to move them forward into housing and employment.

Rent allowance is available to people who do not qualify for payments under other State schemes. Applicants must satisfy a means test to avail of the allowance. We are determined to provide incentives to assist people to become more financially independent, especially through employment, education and training. In that regard, a number of measures have been introduced to help those in the transition from welfare to work, for example, the back to work programme, the special means disregard and the tapered withdrawal of benefits as earnings increase. The means disregard is particularly important for people on rent supplement. The first €60 of additional income from part-time work, community employment or training is disregarded in full and half of the next €30 is disregarded. This means that a person can be up to €75 per week better off if he or she takes up part-time work, community employment or training.

Alternatively, people taking up employment or another opportunity may qualify to retain certain rent supplement and other secondary benefits in total or in part, subject to certain conditions. This is particularly beneficial to people taking up full-time work having been out of the workforce for 12 months or more. As Deputy O'Sullivan has said, an income limit of €317.43 per week applies in these cases and I appreciate that needs to be improved. The rent supplement retention income limit has not changed for some time and I will give it the attention it now deserves.

However, significant other improvements have been made to the means test subsequently which impinge on that. The 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 means. PRSI and reasonable travelling expenses are also disregarded in the means test. Under these special arrangements, rent supplement may be retained for up to four years on a tapered basis, that is, 75% of supplement in year one, 50% in year two and 25% in years three and four. In effect this means that a person on a community employment scheme or other back to work scheme whose household income is above the €317.43 limit may still qualify for rent supplement under the standard rules. They may be allowed to earn above that limit because of certain rules and other disregards within the system, especially for those aged over 65 years.

Ms O'Sullivan: They do not in practice. The Minister should examine that area again. There are some people who are genuinely caught——

Mr. Brennan: I will examine the issue, as I see the point the Deputy has made. More than €400 million is spent under the scheme per annum. The number of recipients of rent supplement has almost doubled in a decade. In 1995, when the scheme began, the figure was 32,000 but today it is more than 60,000. Of the 60,173 people in the scheme, more than half, or 33,000, have been in it for 18 months or more, which shows some hardening of the stock, if I may put it that way. That is my concern, that people would get settled in the scheme.

Mr. Stanton: I congratulate the Labour Party on bringing forward this important motion tonight. So far the quality of the debate has been excellent. This is an important issue that impinges on more and more people every day. The Minister in his speech acknowledged that the number on rent supplement has doubled in ten years from 32,000 in 1995 to 60,000 in 2005. That shows how important the issue is and the demands on people in the system who depend on rent supplement, which is supposed to be an emergency payment.

The new rental accommodation scheme is interesting. It was hoped that by the end of the

[Mr. Stanton.]

last year there would be 5,000 on it but at present there are only 700 on it. The Department gave out €19 million last year and will do the same this year. Has the Government estimated the total cost of this scheme? Will it cost the same as rent supplement, which is running at €400 million per annum?

The Minister mentioned long-term housing, which is a basic social need. The current scheme is temporary and this is more permanent, but I still feel people who are renting have a problem looking at that property as a home for a lifetime. The quality of housing provided by housing associations and the way they are managed are impressive. People can make their homes in such housing.

Has the Minister of State at the Department of the Environment, Heritage and Local Government with responsibility for housing asked the local authorities how many empty houses they have on their books and has he asked them to make them available? There are two housing officers to cover the whole of County Cork and it takes them between six and nine months to visit each town and carry out an assessment. People must wait for the county council to carry out an assessment. They are working hard but there is a fault in the system.

Many local authority housing estates need to be upgraded and managed. The Minister has said on a number of occasions that local authorities can do what they like and that people should talk to local councillors. Local authorities, however, are not accountable to anyone. Since the dual mandate was abolished, local authorities do not have to answer our questions. Members of this House can ask a Minister a question and he is therefore democratically accountable but that is not the case in local authorities. We must address this because we are so dependent on what happens locally. Councillors cannot demand accountability in the same way we can.

Many housing estates are being built for rental purposes. The Government is pumping money into various types of rental systems and it is unsustainable in the long term. We need more infrastructure, schools and community halls in these estates.

Older, single people face difficulties on housing lists. In most local authorities there is no list, people are assessed according to need and then matched with what is available. There are criteria, such as overcrowding and the state of current accommodation, but older, single people are often at the bottom of that list. I have come across older, single women lately who need accommodation in sheltered housing of some type.

I congratulate the Labour Party on this motion. As the Ministers have acknowledged, this issue is growing in importance. The mechanisms in place are not the way to go on a long-term basis. If all the rent supplement houses end up on the new scheme, how much will it cost?

Mr. McCormack: The Minister for Social and Family Affairs in unscripted remarks outlined disadvantages to the present scheme and potential improvements. I welcome the Minister speaking off the cuff because it gives us a real insight into his thinking. Often we do not know who writes the scripts and what the Minister thinks of them. We must wait until the transcript of the Minister's remarks is available to analyse them in detail.

The Minister of State at the Department of the Environment, Heritage and Local Government spoke of the importance of tenant choice; I presume he meant those on rent supplement. They have no choice, with €400 million being spent on rent supplement and the local authority waiting lists up to seven years long. They must remain on the supplement because there is no other way out. They cannot afford to buy a house. I dealt with a mother of three who could not get a house after six years because someone with four children had been on the waiting list for seven years and she had to get the house. The woman with three children had no choice but to stay on the list.

This motion deals with the high cost of housing. The Government has constantly refused to accept its responsibility for the high cost of housing. It is directly responsible for adding taxes, levies and other charges, amounting to €108,000, to every new house. That is a heavy burden on the person trying to buy a new house but the Government is doing little to alleviate the situation and its policies are making matters worse. It abolished the first time-buyer's grant, increased VAT by 1% on building materials and imposed development charges, adding up to €15,000 to the price of a house. The average price of a house is €265,000, an increase of approximately €20,000 in one year. The Government bears much of the responsibility for this development with average house prices increasing by roughly €180,000 over the lifetime of this and the previous Administration, while the number of homeless people stands at 5,500.

The Government toyed with the idea of reducing stamp duty for first-time buyers in the previous budget when it decided to exempt second-hand houses valued at less than €317,500 from stamp duty. Given that virtually every house sale in Dublin achieves more than this figure, few first-time buyers of second-hand houses qualify for the exemption. It is Fine Gael Party policy to abolish stamp duty on secondhand houses sold for less than €400,000.

The Government has taxed housing out of the reach of first-time buyers and young couples. When development charges, levies and taxes are combined, a major proportion of the price of a

house accrues directly to the Government. We must address this issue. Abolishing such charges would reduce the cost of housing to young couples.

Every public representative is aware of the red tape involved in applying for disabled person's and other grants. I take issue with the attitude of local councils to applicants. Some applicants for disabled person's grant have passed away while waiting for their application for funding for a downstairs bathroom or shower to be processed. I have dealt with several such cases. The reasons given for the delay include the lack of money and red tape. At the end of 2005, for example, my local council indicated that funding was not available for essential repairs in the homes of elderly people, yet the country is awash with money.

Mr. N. Ahern: Why does the Deputy's local council not allocate money for that purpose? Two thirds of the money is provided by the Department but councils are unwilling to allocate the remaining third.

Mr. McCormack: The council informs us it does not have or will not provide the money.

Mr. N. Ahern: It is a question of priorities.

Mr. McCormack: About one year ago, the Minister for the Environment, Heritage and Local Government announced he would relax regulations applying to once-off housing in rural areas. Nothing of the sort occurred. My local planning officer informed me that the recent change does not make one iota of difference because he must adhere to the county development plan, with the result that people are unable to secure planning permission on sites on which they are able to provide housing for themselves. The Minister's announcement, which received considerable publicity at the time, amounted to no more than window dressing and unnecessarily raised hopes.

Mr. O'Dowd: Deputy McCormack raised the administration of the disabled person's scheme. In that connection, I thank God for the Ombudsman, Ms Emily O'Reilly, who recently overturned the decision of a local authority in County Louth to refuse disabled person's grant to a mentally ill person because it failed to take into account the serious problems the person faced. More intervention is needed in terms of the decisions of local authorities.

My colleague, Deputy Stanton, made a key point that the ban on Members of the Oireachtas being members of local authorities has created a major gap in knowledge, access and information. There is also a gap in the decision making capacities of councils because the collective ability of Members to highlight to local authorities ways in which they may not act has been removed. We can no longer bring our special, historical knowledge to bear in local authorities. I am not arguing that the rules should be changed but the matter needs to be examined. For example, the statutory requirement that county managers meet local Deputies once per annum could be increased to once per quarter or Deputies could be invited to SPC or other meetings. We need to engage with our local authorities, particularly around policy issues such as housing and planning.

The Labour Party did a good evening's work in tabling this important motion. I propose to raise several important issues which constituents have raised with me. Many of those who approached me on these matters live on the margins. They may be alcoholics or may have recently left Drogheda Homeless Aid or other institutions. Many cannot access housing because they experience difficulty convincing local authority officials that they are homeless. On repeated occasions, people have been asked why they do not stay with relatives or friends. This approach is not good enough.

One of the Government decisions with which I have never agreed was to make local authorities responsible for homelessness and community welfare officers responsible for rent allowance. Unfortunately, in some areas this has resulted in a see-saw effect as local authorities tell people they are not homeless, while I discover through a telephone call to a community welfare officer that the person in question is entitled to be housed. On two occasions, I was compelled to telephone the Department of the Environment, Heritage and Local Government requesting it to intervene to force the local authorities to recognise the needs of individuals and deal with them in a proper fashion.

Many of those affected by homelessness are in extremely difficult circumstances and may have experienced personal trauma or serious social problems. One cannot dump all of them in the lowest quality bed and breakfast establishments. They tend to end up in certain establishments — we know where they are — which have poor facilities and are generally not very nice. I tell those who approach me that they have a right to choose a bed and breakfast. The Government must address this issue.

At the weekend, I dealt with a person who became homeless due to a house fire. National protocols are required to establish how local authorities must act in such circumstances, what advice they should offer, who is the appointed officer and so forth. We must ensure contact is made with the appropriate officials and people made homeless are treated properly. It is difficult for those whose house has been burned down to take in what is required of them. Giving them a number to call is insufficient and a more proactive approach is needed. Proper protocols and, above all, empathy and sympathy are required.

[Mr. O'Dowd.]

While the community welfare officers I meet are first class people who do an excellent job, local authorities must provide more training on how to deal with people whose personal lives are *in extremis*, as it were.

My colleagues have raised another issue which is frequently brought to Deputies' attention, namely, the position of single persons who are seeking housing. In nine out of ten cases, the person will be a divorced or separated man who has moved out of the family home. Many of these people have no stability in their lives and lead a lonely, unhappy existence, often based on drink, in one bedroom apartments. The rental accommodation scheme — RAS — does not cater for this group. I acknowledge, however, that the scheme has improved the quality of accommodation in Drogheda and it has become easier to find better quality flats or apartments at lower rents because the local authority makes up the difference.

Although the RAS can bring stability, it does not cater to the medium to long-term needs of the group of single persons I have described. The difficulty for them is that the eligibility criteria require a person to be in receipt of rent allowance for 18 months, which means people must first lead a dreadful lifestyle living in the dumps I described. If one could intervene, given certain conditions, and provide that the RAS will apply either after three months or even immediately, it would give these people an opportunity to lead a better lifestyle in better accommodation. They would have a better deal.

Debate adjourned.

Adjournment Debate.

Food Labelling.

Mr. Naughten: I thank the Ceann Comhairle for the opportunity to raise this important issue. I welcome the Minister of State, Deputy Tim O'Malley, but I had hoped the Tánaiste would deal with the issue because of the damning detail disclosed in this report.

An investigation of 90 food businesses completed in 2004 by the Food Safety Authority of Ireland revealed that consumers are regularly misled on the country of origin of beef, chicken and salmon. Inspectors visited five agents, nine wholesalers, 29 food processors, 12 hotels and restaurants, 31 shops and supermarkets, two cold stores and two slaughter plants. The report highlighted passing off imported salmon as Irish and labelling "farmed" salmon as "wild", South American beef labelled and marketed as Irish, Belgian chicken labelled "Produced in Ireland" and the "use by" date on food products tampered with. In more than one fifth of shops and supermarkets information regarding loose and packaged beef did not adequately inform the consumer as required by beef labelling regulations.

The FSAI refused to publish the report, claiming that it was to carry out a more extensive report in 2005. However, no report was produced and it will now not comment on the report which was eventually disclosed through the Freedom of Information Act. Although the Departments of Agriculture and Food and Health and Children have been aware of the contents of this report for more than 12 months, nothing has happened. Consumers have rights and should be able to tell easily from the labels on food where exactly it comes from.

The report states:

> Where the audit team were not in a position to verify through labelling or commercial documentation that beef being marketed as Irish, was in fact Irish, official samples were taken. Of the official samples taken 4 (14.8%) tested positive for the presence of the Zebu gene which indicated that this beef originated in South America. In each of these cases, the result was reported to the proprietor and the official agency with responsibility for supervising the premises. The official agency carried out any follow up with the premises involved. This follow up may have included audits and/or re-assessment of the traceability and recall procedures in place in these establishments to ensure the consumer was not being misled with respect to country of origin declarations.

What follow-up procedures were carried out and what was the result of those reassessments following the report of the FSAI that was brought to the attention of the official agencies? What have the Departments of Agriculture and Food, and Health and Children done since they became aware of this report? A farmer who failed to meet the law laid down on traceability tagging systems would have the full weight of the Department of Agriculture and Food and the special investigations unit on top of him. His animals would be seized, his farm would be closed and he would not be able to dispose of any animal. Deputy Connaughton has raised a similar issue regarding a farmer who could not be paid by a slaughter facility as the tags were missing from an animal. The farmer was required to go through genetic testing to prove that the animal came from his farm. We seem to have one standard for the farming community and another standard for the processing industry.

The Government has been blatantly negligent in this abuse of our food labelling and traceability systems. The report of the Food Safety Authority of Ireland into traceability and recall systems is damning and the Government has done nothing about it. Pork from the United States of America,

chicken from south-east Asia, lamb from New Zealand, beef from Brazil and vegetables from Israel are all being served on restaurant tables or used in Irish processed foods and being passed off as Irish food products. That is unacceptable. Irish consumers are shopping blindfolded and are being misled as to what is going on. A chicken fillet can be imported from Asia, bread-crumbed and called an Irish product. That cannot and should not be tolerated any longer.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank the Deputy for raising the matter on the Adjournment this evening. No doubt the Deputy is referring to a document entitled, Report of the Food Safety of Authority of Ireland Audit to determine compliance with Labelling and Traceability Requirements, which was released recently to a Sunday newspaper under a freedom of information request. The document in question was an internal report of the Food Safety Authority of Ireland. It had not been published or distributed outside the authority until the freedom of information request.

Food businesses are required to manage food safety proactively. A traceability system is an essential element of a food safety management system as it provides a means by which a food company can track and trace any foodstuff that is suspect or unsafe. European Regulation 178/2002 of 28 January 2002 lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety. The traceability and recall elements of this regulation, which are applicable from 1 January 2005, require food and feed business operators to have a traceability system in place.

More than two years ago, the FSAI undertook an audit to determine whether food business operators in the fish, beef and poultry industries had in place a system of product traceability and recall. The audit, which covered 90 food businesses, also examined compliance with general labelling requirements, with particular reference to country of origin declarations. The findings of the audit, which included food businesses in the service and retail sectors, indicated that traceability systems need improvement. Labelling deficiencies were also found in some instances. Each proprietor was furnished with an inspector's report, which was also made available to the official agencies whose staff were part of the audit in the vast majority of visits and who are responsible for day-to-day enforcement of labelling requirements.

Given the small scale of the 2004 audit — only 90 food businesses from a national total of more than 44,000 were visited — the FSAI decided not to publish the report. Until recently, the emphasis in food law has been on hygiene and structural arrangements. Accordingly the food inspection staff — environmental health officers, sea fishery officers and veterinary officers — concentrated on the enforcement of the hygiene and safety aspects of food law. However, the FSAI and its agencies also recognise the importance of labelling and traceability of food. For instance in 2004 in the course of routine inspections, the environmental health officers in the Health Service Executive detected and dealt with 909 infringements of regulations for the labelling and presentation of food.

There is already a strong legal framework in place in the area of food traceability and recall. Nevertheless, this will be further strengthened by regulations being drafted in my Department, in consultation with other Departments and Government agencies, which will provide for sanctions and penalties in cases where food business operators do not have proper traceability and recall systems.

The Government's commitment to inform the consumer is evidenced by the work of my colleague, the Minister for Agriculture and Food, who is developing additional legislation on the labelling and provision of information on country of origin of meat sold in restaurants and other catering outlets.

While it is important that the food labelling and traceability requirements are enforced at retail level, it is critical that such laws are enforced at the point of production, manufacture or import of food before products are further distributed in the food chain. Recognising this need, the FSAI has ensured that compliance with food labelling and traceability legislation is included in the service contracts with its official agencies.

The FSAI, together with its official agencies, has also published extensive guidance on food labelling for the benefit of both the food sector and its official agency staff. This guidance is being updated to take account of more recent developments in food law.

As part of the ongoing controls to ensure adherence to the requirements of labelling and traceability, this year the FSAI proposes to conduct a series of checks on various sectors of the food industry in conjunction with staff in its official agencies. I would like to assure the Deputy that it is intended that the results of these audits will be published. Where it is proved to be the case that there is a deliberate intention to mislead the consumer, action will be taken against the food businesses concerned. Consumers must have the confidence in Irish food business operators to produce not only safe food, but food which is properly labelled and traceable. The FSAI has informed me that it will continue to ensure that consumers' interests are protected by ensuring adequate enforcement of the regulations.

Services for People with Disabilities.

Mr. P. Power: My matter is a call for the Health Service Executive to initiate an immediate investigation into the reasons a custom built, modern, six unit facility at St. Vincent's residential centre, Lisnagry, County Limerick, at a cost of €4.25 million, has not been fully opened, to examine the reason half of the units have yet to be properly staffed over two years since the unit was completed at a cost of €4.25 million and, furthermore, to initiate appropriate, immediate steps to have the facility fully and properly staffed as a matter of urgency.

The facts surrounding this matter are frustrating and disturbing. They are frustrating because it has been impossible to get answers to the questions as to why this situation has arisen in St. Vincent's in Lisnagry, Limerick. They are disturbing because the financial planning for this unit appears to have been non-existent.

The history behind what has happened is that in January 2004, a state of the art, six unit residential complex, custom built to cater for young Limerick people with moderate to severe intellectual disability, was completed at the Daughters of Charity, St. Vincent's, Lisnagry, at a cost of €4.25 million. Over two years later, 50% of that unit remains closed. Tonight, the Health Service Executive, stands indicted for failing to provide the staff and properly operate and commission this vital facility for young people in Limerick.

I want to find out exactly how this situation could have arisen and to get definite answers that this will not be allowed to continue. The children who should have been accommodated in this modern facility are tonight languishing in substandard facilities, cared for by the dedicated Daughters of Charity staff who look out the window and only yards away see a state of the art modern facility custom built to cater for their challenging needs. They ask how this could have arisen in an era of unprecedented resources. Many of the boys with challenging needs are currently accommodated in a larger nearby facility which is totally unsuited for their needs while this new, modern, custom built facility is not fully opened right beside them. This flagship project, backed by the best available expertise, is regrettably deteriorating before our eyes for want of a commitment from the HSE to properly commission, staff and finance it.

Mental institutions here have been closed because the system of care was repressive. Locked wards have no place in the treatment of persons with learning disabilities. The Daughters of Charity at St. Vincent's in Limerick have developed an effective, holistic treatment for their patients and for young people. Nurse members of the Daughters of Charity are professionally trained to administer this new holistic approach but, unfortunately, a new facility remains unopened. That raises serious questions as to the reason the development was given the go-ahead when proper funding for fully commissioning and staffing was not in place. No reasons have been given as to how this situation has arisen and no firm commitments are in place to fully open a unit which is so badly needed for young Limerick people. I hope my raising this matter will result in definite answers as to how this has arisen and a definite commitment that it will not continue.

Mr. T. O'Malley: I thank Deputy Power for raising this matter. I am pleased to have this opportunity to clarify some of the background and context in regard to the new six unit residential complex at St. Vincent's, Lisnagry, County Limerick which has been developed by the Daughters of Charity.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes the responsibility for the provision and funding of new or enhanced levels of health and personal social services.

The HSE has informed me that it is well established practice that all proposals for service development and enhancement for persons with intellectual disability must be submitted to the local consultative and development committees in the first instance. These committees consider all proposals made and in turn advise the HSE on the service priorities for each region.

The HSE states that no advance proposals in respect of this development at Lisnagry were submitted to its committees. The HSE further states that, subsequent to the developments being completed, the HSE was informed by the Daughters of Charity that the running cost of these services would require €1.75 million revenue each year.

The HSE is committed to the partnership framework of consultative and development committees outlined above, which can only progress new developments or enhancements consistent with national policy and in line with identified priorities and available funding. Currently, prioritisation is towards persons with a disability who are without a service and who urgently require a residential place.

The HSE states it will continue to work collaboratively with the consultative and development committees so as to maximise the funding options for the development at Lisnagry.

Deputy Power will be aware that as part of a multi-annual investment programme 2006-09, additional funding amounting to €51.5 million is being provided by this Government in 2006 to meet costs associated with the following elements of this programme in respect of services to persons with intellectual disability and those with autism: 255 new residential places, 85 new respite

places, 535 new day places this year and the continuation of the implementation of the transfer of persons with intellectual disability or autism from psychiatric hospitals and other inappropriate placements.

In addition to the specific high profile disability services which are included in the programme outlined above, additional funding of €22.5 million is being provided to enhance the multidisciplinary support services for people with disabilities in line with the Government's commitment to build capacity within the health services to deliver on the various legislative provisions contained in the national disability strategy.

Furthermore, €12.5 million is being provided to enhance the level and range of multidisciplinary support services available to adults and children with intellectual, physical and sensory disabilities and those with autism, with a priority in 2006 of enhancing the assessment and support services for children with disabilities.

Job Losses.

Mr. Deenihan: Apart from the recent loss of 97 jobs in Glen Dimplex, Tralee — 27 jobs in 2005 and 70 in January 2006 — and 25% of the workforce of Fleet Street Travel, a number of high profile companies have either closed operations or shed jobs in Kerry in recent years such as Jet Environmental, Transmould, Sara Lee, Ridgeview, Stag Cutlery, Sports Socks Company Ireland, Rosenbluth, Wilson Sports Socks, Scott's Tools, Celtic Circuits, Jetu, Alps Electric and Sheet Metal. All those companies have closed in the past few years. As a result, the industrial base in Kerry has been seriously eroded and the Minister and the IDA are doing very little to arrest this decline.

Employment opportunities in industry in the county are extremely poor at present. There is a major absence of foreign direct investment in Kerry and job creation seems almost non-existent, with many companies contracting rather than expanding their workforces.

In January 2002, there were 6,425 people on the live register in Kerry. In January 2006, at a time of so-called unprecedented national economic success, the number of people on the live register in Kerry was 6,819, a jump of almost 400 people in four years. Almost 4,000 of these people on the live register sign on in either Tralee or Listowel, both towns that have been particularly badly hit by closures in recent years. There is no full employment in Kerry.

Employment in IDA Ireland supported companies in Kerry plummeted by 25.5% between 2001 and 2003 while the national figure fell by 6.5%. From 2002 to 2004 inclusive, 335 jobs were created in IDA Ireland supported companies in Kerry. In the same years, 1,275 jobs were lost in IDA Ireland supported companies in Kerry. Some 1,275 jobs were lost in just three years.

Figures for 2005 are unavailable as of yet, but the closure of Jet Environmental, Transmould and Sara Lee resulted in the loss of 190 jobs alone. Figures released by the Small Firms Association recently show that 548 redundancies were recorded in Kerry last year, or 2.5% of the national total. In comparison with Cork, Kerry attracts a negligible share of high value added investment in sectors such as financial and international services. There has been a failure to attract a major pharmaceutical or technology firm to Kerry in recent years. In a recent Combat Poverty Agency publication entitled Mapping Poverty, it was claimed that the risk of poverty in County Kerry was 30% to 40% higher than the national level and only counties Donegal, Mayo and Longford fared worse.

The Government must promote County Kerry as a location for industry in the same way that it promotes Dublin, Cork and other centres. Surely the loss of 30% of our industrial jobs in three years deserves a more proactive approach from the Minister and the Government. I understand that IDA Ireland has organised only 13 itineraries to County Kerry in the past five years. Last year alone there were 18 itineraries to Cork.

One of the few positive developments in Kerry over the past five years is the creation of Kerry Technology Park in Tralee by Shannon Development following an investment of €10 million from the company's income sources. The park has been highly successful in attracting and growing high quality Irish companies. The park is home to 16 technology companies employing 220 people. Technology park companies such as Stockbyte, Altobridge and Freeflow have already been recognised internationally as being among the best in their sectors. Prior to the development of Kerry Technology Park, there were no software or information technology companies in Tralee. In 2005, Shannon Development also opened a new business development centre in Listowel at a cost of €1.6 million from its resources.

It is ironic that the Minister proposes to remove Shannon Development from north Kerry despite its relative success. I appeal to the Minister and the chief executive of IDA Ireland to visit County Kerry immediately to meet the Chambers of Commerce, IBEC, SIPTU, public representatives, the county manager and other interested parties to discuss their plans for rejuvenating employment opportunities in Kerry through foreign direct investment and local indigenous industry. Kerry will have to be singled out for preferential treatment and special attention, especially the towns of Tralee and Listowel, if this trend of job losses is to be arrested.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I thank the Deputy for raising these matters. I was disappointed to hear that Glen Dimplex had announced it would close its Tralee operation in April 2006 and that Fleet Street Travel Ireland Limited was to reduce its work-

[Mr. Killeen.]

force in the town. I am conscious of the effect that these job losses will have on the workers involved and their families as well as the community in the surrounding area, as this is disappointing news for those who will lose their jobs as a result of the announcements. I assure the people concerned that the State agencies will give every support they can. The priority will be to find alternative employment for those involved.

Shannon Development met Dimplex Heating Systems late last year and learned it was likely that the company would close with the loss of 70 jobs. The closure was confirmed to Shannon Development on 4 January 2006. I understand the reason for the closure is the fall off in the company's traditional markets for low cost cylinder cleaners due to competition from China, and the very slow uptake of its new products in the commercial cleaning market. The company has commenced a consultation process with SIPTU and directly with staff members.

Unfortunately, Fleet Street Travel Ireland Limited has lost a key contract to one of its global competitors and is, therefore, obliged to reduce the workforce at its Tralee operation. I understand that the reduction in the workforce is being made to safeguard the remaining jobs in Tralee and the company is fully committed to ensuring this. All staff have now been informed of the situation and the company has entered into a period of consultation with its staff. The company will also continue to search for viable alternative solutions.

The role of FÁS, the State training agency, will be especially important in assisting those who are to lose their jobs. The agency has already met Glen Dimplex to discuss the closure and to inform the company of the range of its services available during company closures. The agency has also met Fleet Street Travel and a second meeting has been scheduled to finalise arrangements for the registration of the workers. The full range of FÁS services, particularly for retraining and upskilling, will be made available to the workers of both companies if they wish to avail of those services. Finding alternative employment for the workers will be a priority for the State development agencies. I assure the Deputy that IDA Ireland and Shannon Development, in addition to FÁS, will play their part in developing a way forward for both sets of workers.

Both IDA Ireland and Shannon Development are confident that the strategies and policies being pursued in Tralee, together with the ongoing commitment to regional development, will continue to bring investment and job creation to the area. There has been an increase in employment of 55 people over the past year at Kerry Technology Park in Tralee. This increase was spread across a number of companies, all of which operate in the knowledge-based business sector.

There is a diverse range of companies located in County Kerry representing a number of industry sectors such as pharmaceuticals, engineering and consumer products. The sectoral emphasis of IDA Ireland in the mid-west region is on attracting new knowledge intensive projects in information and communications technology, international services, medical technologies and life sciences.

To foster collaboration between industry and academia, IDA Ireland works closely with the local educational infrastructure, particularly the institute of technology in Tralee and the University of Limerick. Last year, eight IDA Ireland companies in the mid-west committed themselves to research and development projects worth €19 million. The agency continues to work closely with educational institutions in the region in developing the skills sets necessary to attract high value added employment to the county.

Shannon Development has approved a €1.5 million support package for two Kerry-based indigenous companies, Altobridge Limited and Freeflow. The support will lead to increased research and development activity in both companies and will generate an additional 43 jobs at Kerry Technology Park over the next five years. The support for Altobridge has also brought about substantial private equity funding.

I assure Deputy Deenihan that the State agencies will continue to work closely with each other and with the development bodies in the area, as well as with local interests, in facilitating an integrated approach to enterprise development in Tralee.

Special Educational Needs.

Ms O'Sullivan: It is hard to believe I have to raise this issue which concerns the cutting off of home tuition grants from children with autism who are also attending school. It is hard to believe a cut such as this should take place. It is a policy decision of the Department of Education and Science to cut these home tuition grants and one that should be reversed without delay. We are talking about approximately 100 children in various parts of the country who are autistic, attend school full-time and who, until a few days ago, were in receipt of a home tuition grant, the cost of which was approximately €1 million. The saving to the Exchequer from cutting the support services from these 100 children is €1 million. These children with autism who attend school were able to get four or five hours' evening tuition at home that mattered a great deal in augmenting the work being done at school.

In one case I am aware of, the child is in a class of 29 children. The other 28 children in her class do not experience the difficulties she has as a child with autism and they do not need the extra tuition at home. This support which was helping her to keep up and remain in mainstream education has been cut off. Her parents say she is regressing and will regress further.

It is inconceivable that such a mean cut could have been implemented on such a vulnerable

group. These are children who can manage to stay in mainstream education if they have home tuition but without which it is not possible. In many cases they are trying to set up their own schools under the applied behavioural analysis system which is costly to run but is effective because it deals with children on a one-to-one basis. The children about whom I am talking are in mainstream schools and therefore the extra cost to the State pertained only to home tuition grants and, in most cases, a special needs assistant in the school. It is inconceivable that these grants have been cut.

When I raised this issue initially, it was as a result of my being approached by one parent. Subsequently parents from various parts of the country got in touch with me. When I tabled a parliamentary question, I was told that 100 children were affected. These are among the most vulnerable children. If children with autism get appropriate intervention at an early stage, it can make an enormous difference to their chances of integrating, of being capable of being educated and of relating to others later in life. The main difficulty they face is being able to relate to people and to respond to what is happening around them. By having home tuition for their children, the parents were able to have the extra supports. These supports made a great difference, irrespective of whether they involved a teacher giving home tuition to the children for a couple of hours in the evenings or some other kind of technological support.

9 o'clock

The parents told me they were told to go to the special educational needs organiser to determine what could be done. Special educational needs organisers have been told the scheme is finished. When the parents rang the Department of Education and Science they were told to contact the Special Education Council, which was effectively implementing a departmental decision to end the grants. With the stroke of a pen in Marlborough Street, or wherever the decision was made, the children of the parents lost the support that was making a great difference to their lives. It also made a great difference to their families because it is not easy to be the parent of an autistic child. It is particularly difficult considering that one of the small supports that was available was withdrawn.

The Minister of State, Deputy O'Malley, may not have direct responsibility for this issue as it is the responsibility of the Minister for Education and Science, but I urge him to raise it with her and ensure that proper consideration be given to the effect of the decision. I intend to raise this issue again with the Minister for Education and Science by way of parliamentary question. I do not intend to let the issue go until it is properly considered and examined within the Department.

The decision to cut the grants was mean. A sum of €1 million is miserly in the context of the millions of euro we hear are being wasted every day of the week. The weakest of children are affected by the decision and I am appalled that it could have been made by a Minister who gets such good press, to the effect that she is a wonderful Minister. I hope she will see sense and reverse the decision.

Mr. T. O'Malley: I am pleased to be afforded the opportunity by the Deputy to clarify the position of the Department of Education and Science on home tuition grants for pupils with autism who are attending school. The home tuition scheme is primarily intended to provide compensatory instruction for pupils who have a medical ailment that is likely to cause major disruption to their attendance at school. In this context, the Department of Education and Science provides home tuition grants in respect of pupils who cannot attend school or who are absent for a significant proportion of the school year. Children who meet these criteria will continue to qualify for home tuition.

The cases the Deputy is talking about, however, concern children who are attending school full time. While the Department sanctions home tuition in cases where children are awaiting a suitable school placement, it is considered that school-based education provision is the most appropriate intervention for all children.

Recent years have seen a major expansion in school-based provision for children with autism. Some 159 special classes for children with autism attached to special schools and mainstream schools have been created and 15 pre-school classes for children with autism have been set up. The Department of Education and Science is funding 12 autism-specific facilities that are operating on a pilot basis.

The newly established National Council for Special Education, including its team of 71 special educational needs organisers, is working across the country to ensure that new services are put in place where needed so autistic children can have access to appropriate school-based provision. With this substantial improvement in school-based services for autistic children, it is no longer considered necessary to give home tuition grants to children who are in full-time educational provision.

There are approximately 100 children with autism in full-time educational placements and they have continued to receive home tuition grants. These children are enrolled in special school or special class placements or are attending mainstream schools with additional supports, as appropriate. The Department has written to these pupils' parents confirming its intention to discontinue the practice of sanctioning home tuition grants for pupils in full-time education. This has also been communicated to the pupils' schools. These cases have been

[Mr. T. O'Malley.]

referred to the local special educational needs organisers with a view to their ensuring that each child is getting the appropriate support at school. The Department sanctioned the continuance of the home tuition grant for these pupils until 10 February to allow the special educational needs organisers time to ensure that this is the case. Each pupil's individual circumstances are being considered by the special educational needs organisers and future provision will reflect their individual needs.

I thank Deputy O'Sullivan for raising this matter and giving me the opportunity to clarify the position.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 15 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 36, inclusive, answered orally.

Questions Nos. 37 to 101, inclusive, resubmitted.

Questions Nos. 102 to 108, inclusive, answered orally.

Waste Management.

109. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the names of all companies, other private organisations and public organisations that made representations to him supporting a change in the proximity principal relating to waste treatment facilities; the principal arguments of each organisation; the number of incidences of correspondence received by him from each organisation; the number of times he or a representative from his Department met each organisation named. [5296/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have not met either of the companies referred to in the question regarding the movement of waste since I came into office in September 2004. My Department's records show that my predecessor met two private sector companies — Greenstar and Indaver — to discuss a range of waste management policy issues, including significant discussion of the interpretation of the regional waste boundaries. These meetings took place in October 2003 and January 2004.

The Environmental Protection Agency in its 2001 waste database report recommended that the inter-regional movement and treatment of waste "should be provided for . . . in appropriate circumstances". Similar submissions have been made by others, including the Irish Waste Management Association.

The Government's waste management policy statement, Taking Stock and Moving Forward — 2004, recognised that the prohibition on all inter-regional movements of waste could be unduly restrictive in terms of securing the development of waste infrastructure and the objectives of local authority waste management plans. Last year I therefore issued a ministerial direction under section 60 of the Waste Management Act to recognise and facilitate the need for inter-regional movement of waste where that supported the rational implementation of Government waste management policy. This was to prevent a situation arising whereby it would be legal to export waste to continental Europe or even China for treatment but not across county boundaries within Ireland. Strict adherence to waste region boundaries could mean that counties such as Wicklow, which have suffered as a result of the import of thousands of tonnes of illegal waste, would be unable to re-export such illegal waste to facilities elsewhere in the country.

I considered that such a situation was completely contrary to the environmental proximity principle and logic and that it would have been irrational to let such a situation continue. Sound environmental policy requires a more flexible approach and that was what my policy direction aims to achieve.

Local Authority Housing.

110. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the local authorities which have already begun to participate in the rental accommodation scheme; the number of people in each of these local authority areas who have already been accommodated under the rental accommodation scheme. [5302/06]

159. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government his views on the operation of the rental allowance scheme to date in 2006; and if he will make a statement on the matter. [5254/06]

177. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the number of people who have been assessed as having a long-term housing need, including those on rent supplement for 18 months, for the purposes of the rental accommodation scheme. [5301/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 110, 159 and 177 together.

Under the rental accommodation scheme, RAS, local authorities are providing accommodation for certain recipients of SWA rent supplement who have been assessed as having a long-term housing need. The initial project to transfer rent supplement recipients of 18 months or more continuous duration is due to be completed by the end of 2008. The implementation of RAS is a collaborative project between my Department, local authorities, the Department of Social and Family Affairs and the community welfare service of the Health Service Executive.

Roll out commenced in an initial group of lead authorities, namely, Dublin, Galway and Limerick City Councils; South Dublin, Donegal, Offaly and Westmeath County Councils and Drogheda Borough Council. South Tipperary, Fingal, Louth, Kilkenny and Monaghan County Councils and Waterford and Cork City Councils are also now implementing RAS. These authorities collectively cover more than 70% of the transferable cases. All local authorities will have commenced work on RAS by mid-year.

[Mr. N. Ahern.]

The first transfers to RAS took place in September 2005. More than 500 cases were transferred by the end of 2005, with a further 200 cases in 2006. The table shows the numbers involved in each authority. Based on Department of Social and Family Affairs data at the end of December last year, there were 60,176 households in receipt of rent supplement. More than half of these, almost 33,000 tenants, have been on the scheme for 18 months or more. The latest statutory assessment of housing needs identified some 13,778 rent supplement households seeking local authority housing support.

Regarding the general progress on the implementation of the scheme, the main objective in 2005 was to put in place the support structures for RAS. By the end of last year this phase of the project was effectively complete. The Department has provided extensive guidance for local authorities, landlords and tenants on the operation of the scheme. Computer systems have been installed, model contract documents drawn up and approximately 170 local authority staff trained.

Local authority based programme managers, funded by the Department, are also in place to assist local authorities in implementing the new arrangements and ensure liaison locally with HSE regional community welfare officers. Work is ongoing with the review of cases and interviews with tenants, of which more than 1,000 have taken place to date, with the inspection of properties and with meeting accommodation providers. While the roll out of the scheme in 2005 was slower than originally envisaged, I expect the rate of transfer of tenants to RAS to accelerate over the coming weeks and months. Overall, I am satisfied that good progress is being made and that the collaborative approach of all the agencies involved will ensure that RAS will be successful and meet its targets for the coming years.

Transfers to RAS: 10 February 2006.

Local Authorities (Housing)	Nos.
Clare County Council	44
Cork City Council	50
Donegal County Council	57
Dublin City Council	311
South Dublin County Council	15
Galway City Council	75
Limerick City Council	43
Louth County Council — including Drogheda Borough Council and Dundalk Town Council	16
South Tipperary County Council	34
Offaly County Council	20
Westmeath County Council	18
Kilkenny County Council	40
Totals	720

Housing Policy.

111. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government his views on the long-term future of the housing situation here; and if he will make a statement on the matter. [5240/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There have been huge advances in housing over the past decade. Overall housing supply has increased dramatically, in response to demands arising from economic growth and demographic change. About one third of Ireland's houses have been built in the past decade and 2005 saw a further year of record housing output, with close to 81,000 new homes completed. Latest forecasts suggest that our population will grow by 1 million over the next 15 years and this will underpin continued strong demand for housing.

Output may not be sustained at 80,000 units per annum and the most recent review of the construction industry 2004 and outlook for 2005 to 2007 prepared by DKM Economic Consultants suggests some easing back of output by 2007. Nonetheless, indications are that supply will be strong in 2006.

The key issue is to ensure that supply is at an appropriate level to meet demand and that the expansion of housing is managed to ensure a quality living environment for householders and local communities. Building on the objectives of the national spatial strategy, the Government launched a new housing policy framework, Building Sustainable Communities, in December 2005. This statement sets out the Government's vision for housing in the coming years.

A key objective of this policy is to promote the conditions whereby the maximum number of people can access affordable accommodation through private provision. A range of supports is required to assist those who cannot access such accommodation from their own resources. All of these policies must be implemented in a manner that promotes sustainable communities. A further statement will be published during 2006 which will set out more detailed approaches to these issues.

Question No. 112 answered with Question No. 107.

113. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the action he is taking to ensure the provision of an effective range of supports to households that fall below the affordability threshold for housing as recommended by NESC; and if he will make a statement on the matter. [5264/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): The Government has actively addressed the issue of housing affordability. Our policy has been to make housing supply more responsive to demand in order to improve affordability and access to housing — particularly for first time buyers. There is clear evidence that this policy is having effect. Last year, 2005, was the eleventh year of record overall house completions with more than 80,000 completions. Increased investment has resulted in some 100,000 households benefiting from the range of targeted social and affordable housing measures since 1997.

The National Economic and Social Council, in its report No. 112, Housing in Ireland, Performance and Policy, indicated that the general thrust of Government housing policy is properly directed. Some key challenges for the future were also outlined, including the continuing need to provide an effective range of supports to households that fall below the "affordability threshold".

During 2005, we brought forward initiatives to specifically address issues raised in the NESC report and through consultation with other stakeholders. In June, we launched the Affordable Homes Partnership to co-ordinate and accelerate the delivery of affordable housing in the greater Dublin area. In December 2005, the Government launched a new housing policy framework, Building Sustainable Communities, setting the Government's vision for housing policy over the coming years. The framework envisages a substantial increase in investment, which will allow for some 50,000 households to be assisted over the coming three years, allied with a programme of reforms particularly focused on improving the quality of the social housing environment. A more detailed document will be published during 2006.

Planning Issues.

114. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he will recommend that all local authorities would require all development in medium and high risk areas to have flood risk assessments. [5348/06]

161. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he will recommend that all local authorities produce county flood risk maps categorising low, medium and high areas. [5347/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): I propose to take Questions Nos. 114 and 161 together.

Under the Planning and Development Act 2000, planning authorities may include in their development plans objectives regulating, restricting or controlling development in areas at risk of flooding. Where development is proposed in an area at risk of flooding, it is a matter for each planning authority to evaluate such risk, on the basis of a flood risk assessment where appropriate and planning permission may either be refused or, if granted, can be made subject to conditions requiring the implementation of measures necessary to alleviate or avoid damage due to flooding.

It is my intention to publish shortly, in draft form for public consultation, guidelines for planning authorities on the preparation of development plans. These guidelines will advise that, in addressing the issue of flooding, development plans should identify areas that experience or are at risk from flooding, drawing from the process of flood risk mapping currently being undertaken by the Office of Public Works. Local development plan policies should then outline the considerations that will arise with development within or near such areas from the point of view of managing existing flood risks or avoiding the generation of new flood risks.

The guidelines will also suggest that development plan policies dealing with flooding also need to recognise the uncertainties inherent in the prediction of flooding and the fact that flood risk is expected to increase as a result of climate change. Development plan objectives could also include policies indicating that developers will be required to support the funding of flood defences needed for particular developments, either partially or fully, depending on the circumstances involved. My Department will welcome comments or suggestions on this or any other aspect of the draft guidelines following their publication.

Waste Management.

115. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government if he intends to review the regulations under the WEEE directive in order that a fair proportion of the burden for funding the scheme is placed on the producers of electrical and electronic goods, as set down by provision (20) of EU Directive 2002/96/EC, rather than the burden being placed on the consumer as is currently the case. [5295/06]

116. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the average percentage of retail prices of electrical goods which is attributable to the environmental management charge as specified by regulations under the EU WEEE directive; the projected revenue from this charge for the first year of the scheme based on this figure; if the projected revenue exceeds the €10 million to €14 million his Department estimated would be required to fund the scheme; and if he will make a statement on the matter. [5294/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 115 and 116 together.

The WEEE scheme has now been operating for almost six months and the real benefits of this new system for consumers and the environment are becoming apparent. WEEE is now being collected from more than 180 collection points nationwide. Early indications are that significant quantities of this waste type are being returned for recycling. In the first 12 weeks alone 4,800 tonnes, equivalent to an annual rate of almost 20,000 tonnes, of household WEEE was collected. This points to a fourfold increase in the recycling of household WEEE, as 5,510 tonnes of this waste type was recovered in 2004, and indicates widespread public support for the implementation of the directive. While the new regulations will be kept under review there is no proposal to alter the fundamental principle of shared responsibility which underpins the scheme.

Implementation of the directive has not had a negative impact on the consumer price index. This is confirmed by the CSO which recently reported that prices of major household appliances have decreased by 1.3% in the past 12 months and prices of small electrical household appliances have decreased by 0.5% over the same period.

The WEEE directive allows producers to show the cost of recovering and recycling "historic" waste, that is, waste arising from electric and electronic products put on the market before 13 August 2005. These costs are referred to as environmental management costs or EMCs. They are not imposed by, or remitted to, the Government but are paid by producers to the two collective compliance schemes operating in Ireland, WEEE Ireland and the European Recycling Platform. These schemes are on a not for profit basis, operating as a producer responsibility initiative. The purpose of the EMCs is to enable the schemes to pay for the environmentally sound management of all household WEEE taken back by retailers or deposited by members of the public at local authority civic amenity sites.

The EMCs currently applied show the costs of recycling based on data submitted by producers to the WEEE Register Society Limited. The WEEE register assessed and approved the EMCs. The EMCs are currently under review and it will be a matter for the WEEE register to validate any revisions. The WEEE task force report estimated that the costs of collection and treatment could amount to between €10 million and €14 million per annum. The electrical and electronic equipment sector in Ireland has an estimated annual turnover of €1.6 billion. I understand that the WEEE register will make data on the scheme available following completion of the current review. As the scheme is a producer responsibility initiative, such data is not collected by my Department.

Radon Gas.

117. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his resistance to the introduction of a radon remediation grant scheme for householders is based on his acceptance that for those exposed to similar concentrations of radon, the risk of contracting lung cancer is 25 times greater for those who smoke, and that the vast majority of the radon induced lung cancer cases occur among smokers and ex-smokers. [5209/06]

151. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 16 of 29 November 2005, the EU member states that operate a radon grant scheme; and the details of same. [5210/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 117 and 151 together.

As I have previously indicated, Government efforts and resources, together with those of the Radiological Protection Institute of Ireland, RPII, are continuing to focus on highlighting public awareness of radon and on improving information to householders to enable and encourage them to address monitoring or remedial requirements effectively and economically. In addition, the building regulations require all new houses built after 1 July 1998 to have radon preventative measures installed. These requirements have been strengthened for houses built after 1 April 2005. More than 400,000 houses, equivalent to 25% of the Irish housing stock, have so far been covered by these measures.

The Government has over the years, largely through the RPII, committed significant resources to assessing the extent of the radon problem throughout the country and to highlighting public awareness of radon and the health risks associated with prolonged exposure to high radon concentrations. The RPII has long been encouraging householders, particularly those in high radon areas, to have their homes tested for radon and to undertake radon remediation works where necessary. Recent research commissioned by the RPII has found that 75% of the general population are aware of radon. In addition, over the past two years there has been a significant increase in the number of radon measurements undertaken by householders compared with previous years.

A link between radon related lung cancer deaths and smoking has been clearly established in the findings of a recent EU co-funded study of residential radon exposure and the risk of lung cancer. This concluded that the risk of lung cancer from radon is significantly higher, about 25

times, for smokers than non-smokers. Having applied the results of that study to the Irish situation, the RPII and the National Cancer Registry of Ireland issued a joint statement on 27 September 2005 confirming their earlier estimate that radon is responsible for 200 lung cancer deaths in Ireland every year but pointed out that the vast majority, over 90%, of these 200 deaths occur in smokers.

The Government considers that increasing public awareness of radon using the building regulations to ensure safer proofing of new buildings is the most effective approach in Irish circumstances to ensuring radon safety in homes. This consideration is not related to the incidence of radon induced cancer as between smokers and non-smokers. It would be difficult for a demand led scheme of domestic radon grants to ensure appropriate and cost effective targeting of remedial action and such a scheme could require very significant public expenditure and administrative resources.

As to the question of radon grants in other EU member states, the situation as I understand it is that the majority of EU states do not operate schemes of grant assistance for radon remediation works on domestic dwellings. My Department understands that Sweden, Finland, UK and the Czech Republic operate a radon grant scheme. Limited radon grants are also available in Austria, Belgium and Luxembourg. I understand that a cost benefit analysis of reducing radon in existing houses in Denmark by way of a scheme of grant assistance concluded that such investment would not be justified. Details of the above schemes would be available either through the appropriate Government websites or the embassies concerned.

Nuclear Plants.

118. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if assurance will be sought from the British Prime Minister, Mr. Tony Blair, that the British Government energy review announced on 29 November 2005 will not contemplate the location of a nuclear power station on the island of Ireland. [5213/06]

135. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his views on the United Kingdom's new energy policy that will give explicit consideration to the building of new nuclear power plants; and if he will make a statement on the matter. [5258/06]

184. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if he has had discussions with members of the UK Government following the announcement of the British Government's energy review on 29 November 2005, which will examine the provision of up to ten more nuclear power stations in the UK. [5212/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 118, 135 and 184 together.

Following Prime Minister Blair's recent announcement regarding a review of the United Kingdom's progress under the medium and long-term energy White Paper 2003 goals last November, a consultation document, entitled Our Energy Challenge: Securing Clean, Affordable Energy for the Long Term, was launched on 23 January by the UK Secretary of State and the Minister for Energy. This consultation document has a broad scope and considers all aspects of the energy system, including both energy supply and demand. It sets out the energy challenges currently faced by the UK and invites responses to the evidence presented and to what should be done to secure clean, affordable energy for the long term.

While the 2003 White Paper concluded that replacement nuclear build was an unattractive alternative, the current consultation document states that the forthcoming review will examine whether recent changes in energy prices have changed that assessment. It will also examine other issues relating to nuclear power, including the important issue of waste. My Department, in conjunction with the Radiological Protection Institute of Ireland, will fully engage in this consultation process on all relevant issues, including the potential siting of new nuclear reactors should the decision be made by the UK to proceed with building additional nuclear capacity. In a recent meeting in London with the Northern Secretary, the Minister for Foreign Affairs stressed that the Irish Government would be strongly opposed to the building of any new nuclear plants on the island of Ireland.

Ireland remains firmly opposed to the nuclear industry on the grounds of the many risks it poses to human health, the environment and the economy, as well as risks associated with waste and transport. Environmental consequences have arisen for Ireland from historical and ongoing discharges to the sea from Sellafield and the potential risk for a serious accident or incident at nuclear plants, including Sellafield. Any proposals by the UK to develop new nuclear capacity must be addressed in this context. During a meeting in London in October last, with the UK Secretary of State at the Department of Trade and Industry, Mr. Alan Johnson MP, I restated Ireland's position on nuclear safety and did so again when I subsequently met the chairman and the chief executive of the Nuclear Decommissioning Authority in Dublin. The issue of new nuclear build in the UK was also addressed.

I reject the argument that nuclear, as a carbon free and plentiful source of energy, can provide a solution to problems of climate change and

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energy supply. The reality is that the nuclear industry carries with it serious environmental and safety risks and the costs in both economic and environmental terms are unsustainable. The Government will continue to represent this view to the UK at every available opportunity, including at relevant public consultation processes.

Waste Management.

119. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he intends to provide funding to local authorities that are setting up composting services to pay for the extensive communications programmes that will be required to ensure that such services work at their optimum level. [5323/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Race Against Waste campaign funded by my Department is an extended national environmental awareness campaign to promote better waste management at home and in the workplace. The campaign, which was launched in November 2003, comprises a waste awareness media campaign and a communications strategy.

The media campaign encourages people to prevent, reduce, re-use and recycle or compost their waste while the communications strategy informs the public about waste issues generally and of the need for an integrated approach to waste management. As part of the communication strategy, factsheets on home composting and on the biological treatment of waste have been published and made widely available. In addition, the small change programme and the action at work programme both promote sustainable waste management through prevention, minimisation, re-use, recycling and composting. Comprehensive information on all aspects of waste is also available through the Race Against Waste website and lo-call telephone number.

Any costs incurred by local authorities in communicating with householders, businesses and other organisations in connection with the roll out of biodegradable waste collections are a matter for local authorities in the context of their day to day operations.

Planning Issues.

120. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he plans to amend legislation in light of the recent review of An Bord Pleanála decisions by a company (details supplied) which found that there is a need for a clear direction from his Department regarding future residential developments in Dublin and other major cities; and if he will make a statement on the matter. [5267/06]

194. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he plans to amend the legislation in light of the recent report by a company (details supplied) which states that many of the decisions by An Bord Pleanála are completely at odds with Government housing policy; and if he will make a statement on the matter. [5233/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 120 and 194 together.

The recent report referred to in the questions, comments on certain decisions by An Bord Pleanála to refuse permission for certain large apartment developments in Dublin and alleges that the board's decisions are contrary to Government policy on housing.

An Bord Pleanála is an independent body, with statutory functions provided for under the Planning and Development Act 2000. It is not, therefore, appropriate for the Minister for the Environment, Heritage and Local Government to comment on particular decisions made by the board. In terms of general policy, the board is required in making decisions to have regard to the 1999 residential density guidelines issued under section 28 of the Act. The board in performing its functions is also required to have regard to the policies and objectives of the Government, a State authority, the Minister for the Environment, Heritage and Local Government and certain other public authorities.

I launched a new housing policy framework, Building Sustainable Communities, in December 2005. This sets out an agenda for an integrated package of policy initiatives in areas such as supporting higher densities and promoting compact urban settlement through design innovation in new homes, new urban spaces and new neighbourhoods. My Department has commissioned a research study into apartment size and space standards which will inform revised planning guidelines on residential densities later this year. The updating of the guidelines will take account of the extensive experience built up since their introduction in the design, assessment and development of higher density proposals. Guidance will also be included on best practice mechanisms in the effective linkage of the development of new residential areas with the provision of wider social infrastructure such as schools and amenities.

Price Inflation.

121. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government, further to his press release of 13 November 2005, the amount by which inflation for construction inputs continues to decelerate; the annual inflation rate for construction inputs; and if he will make a statement on the matter. [5311/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The rate of inflation in the price of building and construction materials continues to decline. The year on year inflation rate to November 2005, the latest month for which figures are available, was 3.3% compared to a corresponding figure of 11.7% at November 2004. As the Minister responsible for overseeing the delivery of a major share of economic and social infrastructure projects under the national development plan, I welcome the decrease in the rate of inflation for construction given the importance of ensuring more value for money in the development of public infrastructure.

Question No. 122 answered with Question No. 108.

House Prices.

123. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his Department has carried out an assessment to ascertain whether the policies of his or any other Department are contributing to the ongoing excessive increases in house prices. [5331/06]

140. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his views on the warnings from the Central Bank regarding the unsustainable growth in house prices and lending. [5336/06]

160. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his views regarding the development of a bubble or over-valuation in the housing market. [5334/06]

203. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to tackle house price increases. [5332/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 123, 140, 160 and 203 together.

I refer to the reply to Question No. 103 on today's Order Paper.

Environmental Policy.

124. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if his Department intends to introduce a range of additional measures to "the polluter pays" principle to reflect the reality of poverty; and if he will make a statement on the matter. [5071/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 600 and 601 of 22 November 2005.

EU Directives.

125. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government when he intends to implement Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC. [5343/06]

164. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government when he intends to transpose Directive 2003/35/EC; the progress which has been made to date in 2006 towards ratifying the Aarhus Convention; and if he will make a statement on the matter. [5319/06]

171. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government when he intends to implement Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repeal Council Directive 90/313/EEC. [5342/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): I propose to take Questions Nos. 125, 164 and 171 together.

Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at EU level. To date, the European Union has adopted two directives as part of the ratification process for the convention. These deal with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision making procedures, 2003/35/EC. Ratification of the convention will take place after these directives have been transposed into Irish law.

Work is continuing in my Department with regard to the transposition of these two directives and will be completed as soon as possible. When the work on transposition is completed, the instrument of ratification of the Aarhus Convention will be submitted to Government and laid before the Dáil.

Nuclear Safety.

126. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on his recent meeting concerning issues relating to Sellafield with Commissioner Franco Frattini, Vice President and EU Commissioner with responsibility for Justice,

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Freedom and Security, and Commissioner Andris Piebalgs. [5373/06]

145. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government his discussions with EU Commissioners, Commissioner Franco Frattini Vice President and EU Commissioner with responsibility for Justice, Freedom and Security and Commissioner Andris Piebalgs regarding safety failures which arose at the THORP facility at Sellafield in 2005 and the ongoing management issue of nuclear waste storage at Sellafield site; and if he will make a statement on the matter. [5272/06]

166. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government his recent discussions with EU Commissioners in view of the Commission's legal action against Ireland for taking action in the UN courts against the UK regarding Sellafield; the views he expressed and the action the Commission has promised to take; and if he will make a statement on the matter. [5273/06]

190. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the commitments given to him by Commissioner Franco Frattini and Commissioner Andris Piebalgs about the action they intend to take against the UK Government regarding the continued operation of Sellafield. [5216/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 126, 145, 166 and 190 together.

On 31 January, I had meetings with the EU Commissioner for Energy, with responsibility for nuclear energy and protection, Andris Piebalgs, and the Vice President and Commissioner for Justice, Freedom and Security, Franco Frattini, to impress upon the European Commission the strength of Irish Government concerns about the continued operation of the Sellafield nuclear plant. The meetings concentrated on issues relating to Sellafield and especially the incident at THORP where a serious leak of radioactive liquid into secondary containment occurred in April 2005. I made clear that this leak was yet another worrying example of the long standing poor operational safety record at Sellafield. I also raised the issue of the B30 storage pond that is the subject of a directive issued by the Commission to the UK. I focused on the serious safety failures which arose at the THORP facility and, in particular, the implications that this has for safety and the operation of the safeguards system at Sellafield.

The Commission indicated that it had been misled in regard to the THORP plant. This is a very serious position and underlines the need for the Commission to act. I expect that we will shortly see action being taken under the EURATOM Treaty about the failures at THORP last year. The Commission also indicated to me that further legal action was expected over the B30 pond.

I advised the Commission that while it had claimed competency on the subject matter of the dispute between Ireland and the UK under the United Nations Convention on the Law of the Sea, there had been little evidence to date of a desire by the Commission to exercise that competence. I made clear our view that the Commission has a legal and moral duty to deliver on its nuclear mandate and to address failures of Sellafield. I expressed the Irish Government's determination to pursue all possible legal and political action against the continued operation of the Sellafield plant.

Grant Payments.

127. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if he intends to increase funding for disability under the disabled persons grant scheme; and if he will make a statement on the matter. [5269/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details of capital funding for disabled persons and essential repairs grant schemes in 2006 will be made available in the Revised Estimates for Public Services 2006 which will be published later this month.

Architectural Heritage.

128. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the progress that has been made in establishing a new national trust to safeguard old buildings; the terms of reference for the trust; the funding that will be made available for the trust; when it is expected to be operational; and if he will make a statement on the matter. [5354/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In August 2005, the Government approved the establishment of an independent Irish heritage trust to acquire, for public access, major important heritage properties where the State does not wish to acquire them directly and where there is imminent risk to their heritage value through neglect or where an appropriate use cannot be brought forward through sale to a private sector investor.

In November 2005, I announced the establishment of a steering group to advise on proposals for governance of the Irish heritage trust so that a workable and effective trust can be established as quickly as possible. I have recently received the steering group report and I will shortly advise

Government with detailed proposals on the structure, governance, terms of reference and members of the trust and I will announce the details publicly thereafter.

The Government has approved the provision of funding in 2006 of €5 million from my Department's Vote to enable the endowment funds to be established by the trust. Each property acquired by the trust must be accompanied by an endowment fund sufficient to conserve, maintain and present the property to the public into the future. An additional €500,000 will be provided in 2006 from my Department's Vote to meet the establishment and initial running costs of the trust. However, the Trust will also have a strong remit to maximise non-Exchequer resources in support of its activities and to encourage membership and volunteers.

Tax relief capped at €6 million in any one year is provided for in the Finance Bill 2006 for donors of properties to the Irish heritage trust. This relief is available only in respect of the Irish heritage trust and is modelled on the existing scheme for heritage donations such as to the National Gallery.

Climate Change.

129. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the implications for Ireland of recent reports that the Kangerdlugssuaq Glacier on the east coast of Greenland is melting at a dramatic rate; and if he will make a statement on the matter. [5243/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Among the more significant impacts of climate change on Ireland will be a predicted rise in sea levels associated with thermal expansion as the oceans warm and the melting of ice caps and glaciers such as the Kangerdlugssuaq glacier in Greenland. A 2003 study, Climate Change Scenarios and Impacts for Ireland, conducted by NUI Maynooth under the Environmental Protection Agency's Environmental Research Technological Development and Innovation Programme 2000-2006, comprehensively addresses the likely impact of predicted sea level rise on Ireland. A half metre rise in sea levels by the end of this century is envisaged by the study. This will increase coastal erosion, inundation risk and the return frequency of extreme water levels. According to the NUI Maynooth study, approximately 300 square kilometres of land will be at risk of inundation.

While the study concludes that the effects of sea level rise on the coastline may not be felt as severely in Ireland as in some other countries in Europe, it does point to vulnerabilities in low lying coastal locations, coastlines made up of soft or easily eroded material and coastal flood plains. The vulnerability of infrastructure to damage caused by inundation is highlighted particularly in the larger urban settlements of Dublin, Limerick, Cork and Galway.

My Department and the Environmental Protection Agency are working closely with relevant State agencies further to refine our knowledge of the likely impacts of climate change. This work will inform policy on how best to prepare for the adverse impacts of climate change, including sea level rise.

Tribunals of Inquiry.

130. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government the costs to his Department during 2005 of the Mahon tribunal; and if he will make a statement on the matter. [1873/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Total expenditure incurred by my Department in 2005 on the planning tribunal was €8.537 million.

EU Directives.

131. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself regarding the water quality here; his views on whether the nitrates directive will have an impact on water quality; and if he will make a statement on the matter. [5289/06]

148. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will publish the advice provided to him by Teagasc on the enactment of the nitrates directive into Irish law; and if he will make a statement on the matter. [5284/06]

187. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the differences there are between the completed nitrates directive signed in December 2005 and the advice given to him by Teagasc; and if he will make a statement on the matter. [5313/06]

199. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if the advice provided to him by Teagasc on the enactment of the nitrates directive into Irish law will be published; and if he will make a statement on the matter. [5291/06]

210. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he intends to amend the controversial nitrates directive in view of the Irish Farmers Association strong opposition to the directive; and if he will make a statement on the matter. [5259/06]

222. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if the advice provided to him by Teagasc on the

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enactment of the nitrates directive into Irish law will be published; and if he will make a statement on the matter. [5288/06]

653. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has studied a recent Teagasc report in the matter of water quality with particular reference to the nitrates directive; if he has received submissions from the Department of Agriculture and Food arising from same; and if he will make a statement on the matter. [5770/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 131, 148, 187, 199, 210, 222 and 653 together.

I refer to the replies to Question No. 215 on 9 February 2006 and to Priority Question No. 105 and Questions Nos. 107 and 112 on today's Order paper. Water quality in Ireland is generally good but has been deteriorating since the 1970s due to the increasing incidence of slight to moderate pollution. The third report of the Environmental Protection Agency, EPA, on the state of the environment — Ireland's Environment 2004 — identifies eutrophication of inland waters as perhaps Ireland's most serious environmental pollution problem. Eutrophication arises mainly from excess inputs of phosphorus from sources such as farming, sewage and industry. Excess inputs of nitrates also contribute to eutrophication, especially in saline waters, for example, estuaries, coastal and marine waters.

Across the European Union, agriculture accounts for the bulk of nitrate and phosphorus nutrient losses to the environment; in Ireland, some 73% of all phosphorus and 82% of all nitrate inputs to waters are attributable to agriculture. Reduction of these agricultural inputs is essential to redress known environmental problems affecting Ireland's surface water and ground-water. According to the most recent EPA report on water quality in Ireland, published in June 2005, some 20% of ground-water has nitrate concentrations above EU drinking water guide levels, 27% of Ireland's rivers are affected by eutrophication and there is widespread bacteriological contamination of ground-water and drinking water supplies by livestock manure. My Department is not aware of any general Teagasc report on water quality.

The primary input of Teagasc in the context of the nitrates action programme related to nutrient management and was based on its published guidelines, Nutrient and Trace element Advice for Grassland, Tillage, Vegetable and Fruit Crops, second edition 2004. Teagasc was closely involved in the process of preparing the nitrates action programme and the case for the derogation; much of its advice would have been given orally in the context of meetings and discussions.

I have at all times during the development of the national nitrates action programme and the related regulations been in continuing liaison with my colleague, the Minister for Agriculture and Food.

Nuclear Plants.

132. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if the Nuclear Installations Inspectorate has completed its investigation of the THORP incident of April 2005. [5211/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand from the Radiological Protection Institute of Ireland, RPII, that preparation of the report by the Nuclear Installations Inspectorate, NII, into the incident at THORP in April 2005 is at an advanced stage. Although it is the intention of the NII to publish the report, there is a possibility of enforcement action, in the form of legal proceedings, arising from its investigation and this could impact on the publication date of the report.

Housing Aid for the Elderly.

133. **Mr. English** asked the Minister for the Environment, Heritage and Local Government if he intends to increase funding for care of the elderly under the special housing aid for the elderly scheme; and if he will make a statement on the matter. [5372/06]

644. **Mr. M. Brady** asked the Minister for the Environment, Heritage and Local Government, further to the allocation of €12 million from his Department to the Health Service Executive for the special housing aid for the elderly scheme 2006, if it is his intention to provide further moneys to include the replacement of windows for the elderly who are in urgent need of this work to be carried out at their homes as local authorities do not provide for this work in their essential repairs grant. [5491/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 133 and 644 together.

The special housing aid for the elderly scheme, administered by a task force under the aegis of my Department and operated by the Health Service Executive, was established to provide assistance to improve the housing conditions of elderly persons living alone in unfit and insanitary conditions. Typically, the work undertaken would be necessary repairs to make a dwelling habitable for the lifetime of the occupant, such as repairs to chimney or fireplace, the provision of heating, water and sanitary facilities, the repair of win-

dows or doors, roof repairs, the provision of food storage facilities and so forth.

An allocation of €12 million for the scheme, compared to an initial allocation of €11 million in 2005, has recently been notified to the Health Service Executive regions. A further allocation of funding will be provided later in the year.

Waste Disposal.

134. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that Article 15 of Council Directive 75/442/EEC, as amended by Directive 91/156/EEC, states that the cost of waste disposal must be borne by the holder who has the waste handled by a waste collecter, or the previous holder or the producer of the product from which the waste came; if he intends to amend the WEEE regulations in order that the producers of the products being disposed of under the WEEE directive will be obliged to pay their fair share of the recycling and disposal costs of their products. [5320/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Primary responsibility for the environmentally sound management of WEEE rests with producers, in line with the producer responsibility obligations imposed by the directive. Producers are required under the legislation to finance the collection, treatment, recovery and environmentally sound disposal of WEEE deposited by retailers and members of the public at collection facilities and to achieve the prescribed recovery targets.

Important responsibilities are also placed on retailers who are obliged to take WEEE back on a one-for-one basis, local authorities in providing the necessary infrastructure, the Environmental Protection Agency, EPA, which has the lead role in enforcement and consumers who are required to act responsibly in disposing of WEEE. This balance of responsibilities as between the various stakeholders is in line with other producer responsibility schemes such as packaging waste.

The directive places two distinct obligations on producers. First, they must finance the recycling recovery of any item of household electrical and electronic equipment they themselves have placed on the market since 13 August 2005 when it reaches end of life. Second, all producers have to pay for the recycling of all household electrical waste, termed "historic WEEE" which arises from household goods sold before the 13 August in proportion to their current market share. This includes paying for all historic waste as it arises whether it is taken back by a retailer on a one-for-one basis or deposited at a local authority civic amenity site. It also includes paying for waste from producers who are no longer in the market or who cannot be traced.

The WEEE directive allows producers to show the cost of recovering and recycling "historic" waste. These costs are referred to as environmental management costs or EMCs. They are not imposed by, or remitted to, the Government but are paid by producers to the two collective compliance schemes operating in Ireland, WEEE Ireland and the European Recycling Platform. The purpose of the EMCs is to enable the schemes to pay for the environmentally sound management of all household WEEE taken back by retailers or deposited by members of the public at local authority civic amenity sites.

I am satisfied that the legislation strikes the proper balance between the responsibilities of the relevant stakeholders.

Question No. 135 answered with Question No. 118.

Waste Management.

136. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the implications of the European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations 2005 on existing facilities such as those at Ringsend in Dublin; and if he will make a statement on the matter. [5229/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations 2005 require sanitary authorities to ensure that new and existing waste water treatment plants under their control are operated and maintained so as to ensure that they avoid causing nuisance though odours or noise.

The regulations require each sanitary authority to maintain records of all environmental complaints related to the operation of the waste water treatment plants under their control. In addition, sanitary authorities are required to report annually to the Environmental Protection Agency on the steps taken to comply with the regulations and to report details of any incidents arising from odours or noise during that year in respect of any of their waste water treatment plants. Sanitary authorities are also required, on request from the agency, to furnish the agency with copies of complaint records relating to odours and noise from such plants.

The regulations will play an important role in promoting continuous improvement in the standards of waste water treatment plant operation.

Housing Policy.

137. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to help young people to gain access to the property market; and if he will make a statement on the matter. [5252/06]

Minister of State at the Department of the Environment, Heritage and Local Government

[Mr. Connaughton.]

(Mr. N. Ahern): The Government has actively addressed the issue of housing affordability. Our policy has been to make housing supply more responsive to demand to improve affordability and access to housing, particularly for first time buyers. There is clear evidence that this policy is having effect; 2005 was the eleventh year of record overall house completions, with more than 80,000 completions. Increased investment has resulted in some 100,000 households benefiting from the range of targeted social and affordable housing measures since 1997.

In addition to planning, taxation and other measures such as mortgage interest relief, the Government has placed a particular emphasis on targeted affordable housing measures which are designed to assist those who cannot access affordable housing without assistance. These include the shared ownership scheme, the 1999 affordable housing scheme, affordable housing through Part V of the Planning and Development Acts 2000 to 2004 and the affordable housing initiative in Sustaining Progress. We will streamline these schemes to make them simpler to implement and understand but, in the meantime, eligibility and subsidy levels under the various schemes were increased in January this year. About 15,000 households will benefit under these measures in the next three years.

In addition, the Affordable Homes Partnership, which we established last year, is already making good progress in its efforts to accelerate the delivery of affordable housing in the greater Dublin area where the problem is most acute. The recently launched housing policy framework, Building Sustainable Communities, will ensure that we build on our achievements to date, continue to create the conditions where housing output will meet demand and provide targeted support for those with affordability problems.

Waste Disposal.

138. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government when the proposed enforcement plans will be formulated in respect of targeted efforts to deal with the dumping of construction waste, which was cited late in 2005 by the Office of Environmental Enforcement's report, The Nature and Extent of Unauthorised Waste Activity in Ireland. [5315/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Enforcement of environmental legislation is a matter for local authorities and the Office of Environmental Enforcement. I understand the office, through the enforcement network it has established, arranged a meeting of regional co-ordinators on 17 January 2006 to finalise the overall content of the work plans for enforcement activities for 2006, which include initiatives planned to deal with this sector on both a regional and national basis. The implementation of these measures is a matter for the enforcement authorities concerned.

Nuclear Safety.

139. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government, in view of the European Court of Justice's preliminary court ruling regarding the State's legal action against the UK under the UN Convention for the Law of the Sea, the legal action the State intends to pursue against Sellafield at this stage. [5215/06]

213. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the status of Ireland's dispute with the United Kingdom regarding Sellafield; and if he will make a statement on the matter. [5228/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 139 and 213 together.

The Government initiated international legal proceedings against the United Kingdom under the United Nations Convention on the Law of the Sea, UNCLOS, with regard to the Sellafield Mox Plant. This litigation was suspended pending resolution of jurisdictional issues in the dispute, which were raised by the European Commission and heard by the European Court of Justice on 8 November 2005. Essentially, the Commission claims that it is the proper agency to act on matters or disputes relating to the nuclear sector in accordance with the EURATOM Treaty and that the ECJ is the proper court to hear such disputes.

On foot of this hearing, the Advocate General issued his opinion on 18 January. While this opinion favours the Commission's case, it is a matter for the court to issue the final judgment in the case and this is expected later in the year. If the court ultimately confirms the opinion of the Advocate General, the Irish Government will expect the Commission to act robustly in respect of the operation of the Sellafield plant, a situation which has, in Ireland's view, not been the case to date.

The Attorney General is currently studying the opinion issued by the Advocate General and will advise the Government on the legal strategy to be adopted on the final ruling when that becomes available. However, the policy of this Government on Sellafield remains clear and unambiguous and we will continue to pursue all legal, political and diplomatic options to secure its safe and orderly closure.

Question No. 140 answered with Question No. 123.

Planning Issues.

141. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government his views on the call by the Association of City and County Councils for the regulation of the planning status of adult entertainment venues and shops; his plans to make regulations to require such operations to obtain planning permission; and if he will make a statement on the matter. [5326/06]

648. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the steps that will be required to amend planning regulations to prevent adult shops, lap dancing clubs and so on locating in residential areas; and if he will make a statement on the matter. [5666/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 141 and 648 together.

I have recently received a request from the Association of County and City Councils calling for the regulation of adult entertainment stores and related venues through the planning code. When next amending the planning exemption regulations, I will consider whether the regulation of this sector is necessary and, if so, whether this can be appropriately achieved through the planning code. Changes to the exempted development regulations require a positive resolution of both Houses of the Oireachtas.

142. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government his plans to request a review of the strategic planning guidelines for the greater Dublin area; and if he will make a statement on the matter. [5312/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The strategic planning guidelines for the greater Dublin area were published in 1999 and were succeeded by the Regional Planning Guidelines Greater Dublin Area 2004-2016. The latter were prepared at my direction and adopted jointly by the Dublin Regional Authority and the Mid-East Regional Authority.

The guidelines are in the second year of their 12 year lifespan. My Department monitors demographic and population trends on an ongoing basis in terms of changing circumstances and forecasts. I will keep under review the need for further guidance to regional authorities, in particular, the need to review their regional plans, especially in the light of the forthcoming 2006 census, from which preliminary information will be available later this year.

Social and Affordable Housing.

143. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if his Department has carried out an assessment to determine the approximate number and percentage of households which are likely to fall below housing affordability thresholds in the period from 2006 to 2010; and if he will make a statement on the matter. [5339/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has not assessed numbers of households likely to require assistance from affordable housing measures in the period 2006 to 2010. However, local authorities, in drawing up their housing strategies, estimate the proportion of need for new households in their area that would fall below a common affordability threshold.

Housing strategies are an important tool in assessing overall housing demand. They inform decisions on the requirements for zoned and serviced land within development plans and the need for affordable and social housing. Action plans for social and affordable housing programmes developed by local authorities for the period 2004 to 2008 reflect needs identified in their housing strategies. A mid-term review of plans will be undertaken this year and will enable authorities to take account of any change in their housing needs identified in their assessment of housing needs or in reviews of their housing strategies.

The Government has actively addressed the issue of housing affordability. Our policy has been to make housing supply more responsive to demand to improve affordability and access to housing, particularly for first time buyers. There is clear evidence that this policy is having an effect; 2005 was the eleventh year of record overall house completions, with more than 80,000 completions. Increased investment has resulted in some 100,000 households benefiting from the range of targeted social and affordable housing measures since 1997.

In addition to planning, taxation and other measures such as mortgage interest relief, the Government has placed a particular emphasis on targeted affordable housing measures which are designed to assist those who cannot access affordable housing without assistance. These include the shared ownership scheme, the 1999 affordable housing scheme, affordable housing through Part V of the Planning and Development Acts 2000 to 2004 and the affordable housing initiative in Sustaining Progress. We will streamline these schemes to make them simpler to implement and understand but, in the meantime, eligibility and subsidy levels under the various schemes were increased in January this year. About 15,000 households will benefit under these measures in the next three years.

In addition, the Affordable Homes Partnership, which we established last year, is already

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making good progress in its efforts to accelerate the delivery of affordable housing in the greater Dublin area, where the problem is most acute. The recently launched housing policy framework, Building Sustainable Communities, will ensure that we build on our achievements to date, continue to create the conditions where housing output will meet demand and provide targeted support for those with affordability problems.

Nuclear Safety.

144. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the reason the Government did not make a submission to the European Union investigation into the establishment of the British Nuclear Decommissioning Authority under state aid rules. [5214/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Following notification from the United Kingdom in December 2003 that it intended to provide state aid to the Nuclear Decommissioning Authority, NDA, the European Commission opened a formal investigation in December 2004 to investigate whether the establishment of the NDA complied with EC treaty rules requiring that state aids should not distort or threaten to distort competition. State aid is in principle forbidden by the EC treaty, but it can be authorised by the Commission provided it can be clearly proved that the negative impact of the aid on trading conditions is outweighed by its positive contribution to the fulfilment of other Community objectives.

To establish whether Ireland should intervene in this case, my Department sought advice from the office of the Attorney General, which considered the issue in the context of the overall legal strategy by the Government on Sellafield. Based on the legal advice received, no intervention in the investigation by the EU Commission was made by Ireland. The investigation by the Commission regarding state aids and the NDA is based on competition law and does not address the primary concerns of Ireland about Sellafield, which relate to environmental impacts and safety and security issues.

The establishment of the NDA in the UK reflects the insufficiency of the financial provisions so far made in the UK for nuclear clean up and decommissioning costs. It is imperative that the UK Government should ensure that adequate funds are available for decommissioning and clean up of legacy waste and that these are carried out quickly, safely and without adverse environmental impacts. This is an issue I have repeatedly raised with the UK Authorities, particularly regarding Sellafield.

While the Irish Government, based on legal advice, did not intervene in this case, it has taken international legal actions against the UK Government over Sellafield. The European Commission instigated legal proceedings in the European Court of Justice against Ireland with regard to the international legal action taken by Ireland against the UK under the United Nations Convention on the Law of the Sea. These proceedings are ongoing. The Advocate General issued his opinion in the case last month and the court's decision is expected later this year. The case against the UK under UNCLOS remains suspended pending the outcome of these proceedings in the European Court of Justice.

Question No. 145 answered with Question No. 126.

Planning Issues.

146. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government his views on the fact that 75% of one-off houses outside Dublin and one third of rural housing schemes are not in compliance with accessibility requirements for people with disabilities under part M of the building regulations; and if he will make a statement on the matter. [4950/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 537, 538, 539 and 540 on 7 February 2005.

EU Directives.

147. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date in 2006 to recruit, train and register the estimated 2000 energy rating assessors required to carry out inspections as set down in the EU energy performance building directive; and when the register of energy rating assessors is due to be operational. [5298/06]

158. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the unwarranted delay in transposing the EU energy performance of buildings directive into Irish law; and when it is expected that the Building Control Bill 2005 will be discussed by the Houses of the Oireachtas. [5337/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 147 and 158 together.

Article 15 of the EU energy performance of buildings directive allows for the phasing in of the building energy rating, BER, of buildings not later than 4 January 2009. I understand that most EU member states are phasing in BER certification, over the period 2007 to 2009, under Article 15. I have already announced that I intend to phase in the BER certification in Ireland as follows: BER certification of new dwellings with effect from 1 January 2007; BER certification of

new non-domestic buildings with effect from 1 January 2008; BER certification of existing buildings, when sold or let, with effect from 1 January 2009.

The draft action plan for the implementation of the energy performance of buildings directive in Ireland, published in April 2005, explained that time is needed to develop energy rating methodologies, to develop software tools to help designers and builders use these methodologies and to then train building professionals in the use of both the methodologies and the related software. My Department has just received the draft of the definitive action plan from Sustainable Energy Ireland, acting on behalf of an interdepartmental group which includes representatives of the Department of Communications, Marine and Natural Resources and my Department. It has had regard to submissions received during the public consultation phase. I expect to approve this action plan and submit it to the EU Commission within the next month or so. The plan will be published and a copy will be placed in the Oireachtas Library.

The draft plan estimated that up to 2,000 building energy auditors would have to be trained, on a phased basis, for the BER certification of both new and existing buildings by 2009. I understand that Sustainable Energy Ireland plans to arrange the commencement of the training and registration of an estimated 500-1,000 auditors, in the second half of this year, for the energy rating of new dwellings, with effect from 1 January 2007. The training courses will be organised in partnership with relevant building professional organisations.

Just before Christmas, I made amending Part L (Conservation of Fuel and Energy) Building Regulations which provide the legal basis for the introduction of a building energy performance methodology for new dwellings, whereby performance will be measured according to the annual volume of CO_2 emissions generated by heating dwellings. This will apply to new dwellings commencing on or after 1 July 2006 and will provide a platform for the introduction of a simple energy rating system, based on this performance, with effect from 1 January 2007. I will shortly publish the 2006 edition of technical guidance document L on how to comply with the amended part L.

I published the Building Control Bill on 22 December 2005. Sections 4 and 5 of the Bill transpose Articles 5 and 7 of the EU directive. The Second Reading is taking place in this House today and on Thursday.

Question No. 148 answered with Question No. 131.

Waste Management.

149. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government his views on introducing a more standardised waste charges waiver scheme. [5344/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 217 of 9 February 2006.

Election Management System.

150. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his plans to give prisoners in gaols here a postal ballot; and if he will make a statement on the matter. [5257/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A person in legal custody may be registered as an elector and, under section 11(5) of the Electoral Act 1992, such persons are deemed to be ordinarily resident in the place where they would have been residing but for their detention. Following a judgment of the Grand Chamber of the European Court of Human Rights in a UK case in October 2005, the Government has approved the drafting of a Bill to provide a mechanism to allow prisoners to vote by post; work on this is under way at present.

Question No. 151 answered with Question No. 117.

Housing Policy.

152. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the purpose and function of the new Centre for Housing Research; and if he will make a statement on the matter. [5232/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The new Centre for Housing Research replaces the housing unit which was set up as a joint initiative between my Department and the local authorities in 1998. The overall purpose of the centre, which operates out of the Institute of Public Administration, is to facilitate the improved management of the public and social housing sector and in this regard the centre will continue the work previously done by the housing unit. This work includes the publication of best practice guidelines on the management of social housing, facilitating a housing practitioners' network and providing training.

It is intended that the new centre will be able to expand its research role and take on new responsibilities for the collection and analysis of housing statistics and will be supported in this with additional funding from my Department.

Environmental Policy.

153. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the progress he has made to date in 2006 in pro-

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moting co-operation on North-South and east-west environmental issues such as waste management, environmental research and protection, water quality management and natural heritage. [5277/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is undertaking a number of actions to promote co-operation on North-South and east-west environmental issues.

A North-South market development steering group — comprising representatives of my Department, the Department of the Environment Northern Ireland, Enterprise Ireland, the UK based Waste Resources Action Programme, WRAP, Invest Northern Ireland, the Environmental Protection Agency and the Northern Ireland Waste Management Advisory Board — is working to identify options to encourage the expansion of waste recycling on an all-island basis and, in particular, to develop a joint approach to marketing and manufacturing development for secondary materials and recyclates. Phase 1 of a jointly funded study intended to determine the feasibility of establishing a paper mill on the island of Ireland was completed in 2005 and is currently undergoing a consultation exercise with the stakeholders and agencies concerned with a view to reaching consensus on taking forward the project.

A priority focus of the national enforcement network, established under the Office of Environmental Enforcement of the Environmental Protection Agency, is to deal with unauthorised waste activity in Ireland and, in particular, the issue of illegal cross-Border movements of waste. In this context, the Environment and Heritage Service of the Department of Environment and the Police Authorities in Northern Ireland are represented on the national enforcement network.

A working group on water quality, established under the North-South Ministerial Council and comprising officials from my Department, the Environmental Protection Agency, the Department of Environment Northern Ireland and the Environment and Heritage Service of that Department is continuing its work on the co-ordinated implementation of the EU water framework directive. The group meets on a regular basis to consider, *inter alia*, implementation of the directive with regard to cross-Border waters.

Joint funding has been agreed through the working group for collaboration on co-funded research projects being overseen by a North-South technical advisory group. Of particular note is an ongoing project, costing an estimated €7.45 million and part-funded by the EU INTERREG programme, the objective of which is to strengthen inter-regional capacity for environmental monitoring and management, to improve public awareness and participation in water management issues and to develop a number of river basin management strategies for cross-Border waters based on best practice in river basin management planning. This project will be the main means of co-ordination and joint implementation of the water framework directive in shared cross-Border waters over the coming years.

We are also involved in co-operation with the UK technical advisory group on the implementation of the water framework directive with regard to marine and transitional/coastal waters. The directive identifies as a single ecoregion — the Atlantic Ocean — the transitional and coastal waters off the west coast of Great Britain and the whole coast of the island of Ireland.

My Department together with the Department of Environment Northern Ireland is responsible for implementing the environmental protection and management measure of the EU INTERREG III A North-South Programme 2000-2006. Some 20 cross-Border projects, costing in excess of €20 million, have been approved for part-funding under the programme.

My Department's national parks and wildlife service is involved in co-operation with the Environment and Heritage Service in Northern Ireland on the management of shared biodiversity resources and specifically on developing a common approach to both threatened species and invasive alien species. Four North-South species action plans were published in 2005, for the corncrake, the Irish hare, the pollan freshwater fish and the Irish lady's tresses orchid. Work on the implementation of these species actions plans has commenced and, during 2006, it is envisaged that work will continue on the production of further plans for the red squirrel, trichomanes or Killarney fern and a number of bat species. A project has been established for the propagation of the threatened freshwater pearl mussel in Ireland, with the assistance of expertise developed by pioneering research in Northern Ireland.

A jointly commissioned report on invasive alien species — one of the greatest threats to biodiversity — has been produced and we are now moving towards implementation of its recommendations. My Department and the Environment and Heritage Service will jointly fund this action.

With regard to the east/west dimension, an informal structure has been in place for some years whereby officials of the national parks and wildlife service of my Department and representatives at both government department and agency level from the United Kingdom meet twice a year to discuss a wide biodiversity agenda, to share experiences and to agree on co-operative actions where warranted.

My Department and the Department for Regional Development in Northern Ireland have been exploring the practicalities involved in developing the potential for effective co-operation for mutual benefit on strategic issues such as infrastructure development and spatial planning. To this end, a study on a collaborative framework for joint action in implementing the cross-Border aspects of both the national spatial strategy and its equivalent in Northern Ireland, the regional development strategy, is ongoing and will be completed shortly. It is envisaged that the outputs from this study will inform both Governments in taking forward the issue of co-operation on spatial policy and infrastructure co-ordination in the year ahead.

There is regular contact between officials of my Department and the Radiological Protection Institute of Ireland with their counterparts in Northern Ireland in regard to radiological protection issues, including matters relating to nuclear emergency planning. My Department is engaged in ongoing contact through correspondence and meetings at ministerial, official and expert level with the relevant UK Ministers and authorities regarding a range of issues relating to nuclear safety and radiological protection matters, including, in particular, the Sellafield nuclear plant. These contacts reflect an increasing recognition by the UK Government of the serious concerns held by the Irish Government in regard to Sellafield. Sellafield is also one of a number of topics on the agenda of the British-Irish Council environment sectoral group.

The British-Irish Council meetings, which I attend, provide a unique and useful forum where representatives of the member administrations meet regularly to address issues of mutual interest through enhanced co-operation and sharing of information and best practice. In addition to these specific actions, meetings are held informally as the need arises between officials of my Department at all levels and their counterparts in Northern Ireland and in the British-Irish Council administrations to share experiences and best practice and explore further possibilities for co-operation.

Election Management System.

154. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number and locations at which electronic voting equipment is currently stored; the ongoing costs; his proposals for this technology in the future; and if he will make a statement on the matter. [5227/06]

181. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the cost to date in 2006 of electronic voting; and if he will make a statement on the matter. [5246/06]

201. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if and when he believes electronic voting will be introduced here; and if he will make a statement on the matter. [5247/06]

642. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to reduce the cost of storage for the electronic voting machines; and the annual and total costs to date in 2006 of storing same. [5445/06]

659. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which the concept of e-voting was first generated in this Department; the person from whom advice was given or sought; if the full financial implications were thoroughly examined; and if he will make a statement on the matter. [5780/06]

660. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if, in the course of the initial consideration of the concept of e-voting, any regard was had for alternative use for the technology in the event of not proceeding with the proposal; and if he will make a statement on the matter. [5781/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 154, 181, 201, 642, 659 and 660 together.

The Government decision in February 2000 to move to electronic voting and counting in Ireland followed extensive research on electronic voting systems and experiences in other countries and input from a range of sources on legislative, financial and practical considerations, including from representative returning officers, the Local Government Computer Services Board, Department officials and other Departments in the course of interdepartmental consultation. In this context, the issue of alternative uses of the technology did not arise.

The total cost incurred to date in the development and roll out of the electronic voting and counting system is some €51.3 million. In addition, information provided by returning officers to my Department indicates that the total annual storage cost for the electronic voting machines and ancillary equipment is some €696,000; payments to returning officers in respect of their electoral duties are made by the Department of Finance from the Central Fund. The table gives information on the storage of the electronic voting equipment by returning officers. I have requested my Department to examine the question of central storage of the voting equipment.

A programme of further assessment, testing and validation of the electronic voting and coun-

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ting system is underway to address issues raised by the Commission on Electronic Voting and demonstrate that the system operates reliably, securely and accurately. The timing of the further use of the system is dependent on the progress made with this work and the ongoing work of the Commission on Electronic Voting and on the dates on which future polls may be held.

Storage Locations of Electronic Voting Equipment

Constituency	No. of Voting Machines	Location of Storage Premises
Carlow	115	Mortarstown
Kilkenny	135	
Cavan	148	Monaghan Town
Monaghan	140	
Clare	200	Ennis
Cork County	425	Togher
Cork City	505	Ballygarvan
Donegal	295	Letterkenny
Dublin City	777	Ballycoolin
Dublin County	768	Finglas
Galway	310	Galway City
Kerry	310	Tralee
Kildare	275	Clane
Laois	100	Portlaoise
Offaly	120	
Limerick	335	Limerick City
Longford	90	Longford Town
Roscommon	142	Roscommon Town
Louth	180	Dundalk
Mayo	370	Castlebar
Meath	265	Navan
Sligo	130	Sligo Town
Leitrim	100	Carrick-on-Shannon
Tipperary North and South	408	Clonmel
Waterford	195	Waterford City
Westmeath	175	Mullingar
Wexford	240	Drinagh
Wicklow	245	Kilcoole

Retail Sector Developments.

155. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a retail company (details supplied) has abandoned plans to build large outlets in the UK due to planning restrictions there and will instead opt for a larger number of smaller outlets within cities; if, in view of this and in view of the serious concerns raised regarding traffic volumes, he will revisit the decision to lift the cap for retail warehousing in the retail planning guidelines. [5316/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is aware from media reports that the company referred to has applied for planning permission for what it terms a smaller store of about 20,000 square metres laid out over three levels in London, which the company says will be first in a series of such smaller stores in town centres across Britain. The company already operates a network of some 13 stores in the UK. Eight of these 13 stores are in excess of 20,000 square metres and all of them are in excess of 15,000 square metres, that is, more than double the size of the floor space cap of 6,000 square metres which applied to retail warehouses in Ireland.

Planning policies and their implementation in Ireland must be responsive to the circumstances here rather than to the circumstances that may apply in another jurisdiction. Accordingly, I do not intend to review the decision to lift the cap on retail warehousing, subject to a number of conditions, in the retail planning guidelines.

Litter Pollution.

156. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government

the reason he decided to take the course of action he took on chewing gum litter; and if he will make a statement on the matter. [5231/06]

214. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the reason he did not impose a levy on chewing gum manufacturers; and if he will make a statement on the matter. [5262/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 156 and 214 together.

Following the success of the plastic bag levy, consultants were appointed by my Department to make recommendations on the possible application of economic instruments, including environmental levies, to other items that are problematic from a litter perspective. With regard to chewing gum, the consultants recommended either a levy on the retail price of chewing gum or a negotiated agreement with the chewing gum industry.

Unlike plastic bags, I have no desire either to discourage people from buying chewing gum or to curtail its use. My objective is to encourage people to dispose of it properly. In this instance a levy would penalise both the Industry and the consumer. It would also involve collection costs and, crucially, it would not alter the behaviour of the people who do not dispose of their gum in a responsible manner.

The joint agreement between my Department and the chewing gum industry is a better and more practical option. It provides for a joint initiative to promote a lasting solution to our gum litter problem. The agreement was developed using the partnership approach that has served this country well and it will be implemented using this approach also. This will deliver benefits that could not have been secured by imposition of a levy.

Social Inclusion.

157. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the local authorities which have signed up to the Barcelona Declaration which is aimed at encouraging local government authorities to make provision for greater inclusion of people with disabilities in the community; if a target date by which all local authorities are expected to have signed up to the declaration is in place; and if he will make a statement on the matter. [5340/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The local authorities who have adopted the Barcelona Declaration, as advised to my Department by the National Disability Authority, NDA, are included in the table. The NDA has also advised that there is no target date for the adoption of the declaration by all local authorities. The aims and objectives of the declaration are also largely reflected in the national disability strategy.

County Councils
Carlow
Cavan
Clare
Cork
Donegal
Dún Laoghaire-Rathdown
Fingal
Laois
Leitrim
Limerick
Longford
Louth
Kerry
Kildare
Kilkenny
Mayo
Meath
Monaghan
North Tipperary
Offaly
Roscommon
Sligo
South Dublin
South Tipperary
Waterford
Westmeath
Wexford
Wicklow

City Councils
Cork
Dublin
Galway
Limerick
Waterford

Borough Councils
Clonmel
Drogheda
Kilkenny
Sligo
Wexford

Town Councils
Ardee
Arklow
Athlone
Athy
Balbriggan
Ballina
Ballinasloe
Ballybay
Ballyshannon
Bandon
Bantry
Birr
Boyle
Bray
Buncrana
Bundoran
Carlow

[Mr. Roche.]

Carrickmacross
Carrick-on-Suir
Castlebar
Castleblaney
Cavan
Clonakilty
Clones
Dundalk
Dungarvan
Edenderry
Ennis
Enniscorthy
Fermoy
Gorey
Granard
Killarney
Kilkee
Kilrush
Kinsale
Leixlip
Letterkenny
Lismore
Listowel
Longford
Macroom
Mallow
Monaghan
Mountmellick
Muinebheag
Mullingar
Naas
Nenagh
New Ross
Passage West
Portlaoise
Shannon
Tipperary
Tralee
Tramore
Trim
Tuam
Tullamore
Skibbereen
Westport
Wicklow

Question No. 158 answered with Question No. 147.

Question No. 159 answered with Question No. 110.

Question No. 160 answered with Question No. 123.

Question No. 161 answered with Question No. 114.

Environmental Policy.

162. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the action he is taking to promote wider co-operation on North-South and British-Irish biodiversity strategies and plans; and if he will make a statement on the matter. [5278/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is undertaking a number of actions to promote wider co-operation on North-South and British-Irish biodiversity strategies and plans. My Department is represented on the Northern Ireland biodiversity group and nominations are being sought for reciprocal representation on our biodiversity forum, the establishment of which I announced recently. These complementary structures are charged with the task of overseeing the implementation of the NI biodiversity strategy and our national biodiversity plan, in recognition of the fact that the island must be treated as one biogeographical entity in these matters.

The national biodiversity plan also contains a number of specific actions which are intended to be developed through a joint or co-ordinated North-South approach and a number of worthwhile initiatives have already been taken by my Department. A jointly commissioned report on invasive alien species — one of the greatest threats to biodiversity — has been produced. We are now moving towards implementation of its recommendations, which will be jointly funded by my Department and the Environment and Heritage Service of Northern Ireland.

In 2005, four North-South species action plans were published — for the corncrake, the Irish hare, the pollan freshwater fish and the Irish lady's tresses orchid. Work on the implementation of these species action plans has commenced and, during 2006, it is envisaged that work will continue on the production of further plans for the red squirrel, trichomanes or Killarney fern and a number of bat species. A project has also been established for the propagation of the threatened freshwater pearl mussel in Ireland, with the assistance of expertise developed by pioneering research in Northern Ireland. In addition to these specific actions, regular liaison meetings are held between officials of the national parks and wildlife service of my Department and their counterparts in the Department of the Environment and the Environment and Heritage Service in Northern Ireland to share experiences and explore further possibilities for co-operation.

Turning to the British-Irish dimension, an informal structure has been in place for some years whereby officials of the National Parks and Wildlife Service of my Department and representatives at both government department and agency level from the United Kingdom meet twice a year to discuss a wide biodiversity agenda, to share experiences and to agree on co-operative actions where warranted. An Ireland/Wales INTERREG IIIA/ERDF funded project on integrated constructed wetlands is progressing, with work continuing in Ireland and in Wales.

Informal contacts take place on matters of common interest with agencies such as English Nature. Moreover, ongoing informal contacts are at present being maintained in regard to the risk of the spread of avian influenza by migratory wild birds.

Waste Management.

163. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the average generation of household waste has increased from 428kg *per capita* in 2003 to 430kg *per capita* in 2005; his views on whether the trend is towards an increase in waste *per capita* rather than a reduction; the steps he intends to take, particularly regarding public awareness, to encourage the public to reduce and reuse as well as to recycle, since reduction and reuse of waste are of higher priority in the waste management hierarchy than recycling. [5310/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An effective basis for addressing our waste management responsibilities has been put in place through my Department's policy statements Changing Our Ways, 1998, Delivering Change, 2002, and Taking Stock and Moving Forward, 2004; through statutory waste management plans, largely prepared on a regional basis; and through the comprehensive regulatory framework now in place for waste. The Government's approach is based on the internationally recognised waste management hierarchy of prevention/minimisation, significantly increased levels of recycling, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

National waste statistics in respect of all waste streams are published on an annual basis by the Environmental Protection Agency, EPA. The latest figures available on municipal waste generation are contained in the National Waste Report 2004, published by the agency last month, which reports that household waste arisings in 2004 were 1,737,416 tonnes, an increase of less than 2% in 2004. *Per capita* arisings of household waste are estimated by the EPA to have increased by 0.47% in the same period. The Cental Statistics Office, CSO, in its National Income and Expenditure: Annual Results for 2004, July 2005, estimates that gross national product GNP at constant prices grew by 4% in 2004. It is accepted that considerable further progress is required and we are engaged in a series of initiatives to bring further improvements in this area.

A key priority currently is the development and roll out of a national waste prevention programme. A core prevention team was established in 2004 in the Environmental Protection Agency to develop and drive the programme. The core prevention team is in the process of developing baseline studies as part of the initial phase of the programme. The five year programme also envisages mandatory waste and material audits, waste prevention pilot schemes and so forth. The initial budget for the national waste prevention programme is €2 million.

A key component of the waste management system in Ireland has been the development of producer responsibility initiatives. In recent years, successful producer responsibility initiatives have been introduced in the areas of packaging waste and waste electrical and electronic equipment. My Department is currently developing regulations for a further producer responsibility initiative under an EU directive on end-of-life vehicles. These initiatives are based on the promotion of waste prevention and minimisation objectives. Work is also underway in developing producer responsibility initiatives for waste tyres and for newsprint.

Waste prevention and minimisation is also being actively promoted in the Race Against Waste campaign. The Race Against Waste is the most extensive waste information campaign ever run in the country and is now well into its third year. It combines a multi-media national awareness campaign and supporting communications strategy and aims to get people acting to prevent waste.

The media campaign focuses on the prevention of waste and the need to reduce, reuse and recycle and aims to turn awareness on waste issues into action to reduce the amount of waste being sent to landfill. The communications strategy informs people of the problem and issues, addresses their questions and concerns and enables them to take ownership of the problem. It provides information about waste management and infrastructure issues, highlights activities at home and at work that contribute to waste and the positive changes that can be made to reduce waste through a series of fact sheets, a website and e-zine, and a lo-call telephone line.

The campaign works closely with environmental awareness officers in all of the local authorities, who work locally with householders, schools, businesses and community groups. It encourages communities to minimise, recycle and compost their waste through the national Tidy Towns competition's Race Against Waste module. A pilot project, Ireland's first "Green Town", is in operation in Mountmellick, County Laois.

In addition, workshops for youth leaders are organised by Race against Waste to encourage young people to better manage waste. In November 2005, I launched a special a special youth programme and interactive web based resource "Challenge 3600" to engage young adults in the Race against Waste. A national waste prevention programme is currently being prepared as part of year three of the Race against Waste campaign.

Question No. 164 answered with Question No. 125.

Greenhouse Gas Emissions.

165. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if he intends to give direction under the EU Directive 2003/87/EC, whereby the low emission production of cement from granulated blast furnace slag can be included as an activity covered under Article 22 of the emissions trading scheme from 2008 onwards. [5321/06]

205. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the position with regard to a complaint from manufacturers of so-called green cement who claim discrimination in the workings of Ireland's carbon emissions trading scheme; and if he will make a statement on the matter. [5235/06]

219. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government his views on the emissions trading scheme as it applies to the cement sector, and green cement in particular, and if it contradicts the criterion 5 of Annex II of the EU directive relating to the emissions trading scheme; the action he intends to take in the matter. [5322/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 165, 205 and 219 together.

I have sought legal advice from the Attorney General about the matters raised in the questions. Until I receive this advice and have determined on an appropriate course of action, I do not propose to comment further.

Question No. 166 answered with Question No. 126.

Homelessness Levels.

167. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the average length of time homeless families with children spend in bed and breakfast accommodation; what is currently the longest length of time a family with children could expect to spend in bed and breakfast accommodation; and the number of families with children in Dublin who have been living in bed and breakfast accommodation for longer than one month. [5306/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local authorities are responsible for meeting the accommodation needs of homeless persons. It is consequently a matter for individual authorities to determine the level of bed and breakfast accommodation to be provided, having regard to the need for such accommodation within their areas. My Department does not have detailed information on the bed and breakfast arrangements applying to individual families. The further development and reorientation of services for the families will be taken forward in the context of a revised Government strategy on homelessness, to be prepared by my Department having regard to the independent review of the implementation of homeless strategies, which I published last week.

The need for particular focus on the development of long-term accommodation, as opposed to emergency accommodation such as bed and breakfast, is one of the main recommendations of the independent review. While the use of bed and breakfast accommodation is seen, at present, as essential for the provision of emergency accommodation, it is recognised that it is not suitable as a long-term solution and that its use should be phased out, particularly for families. I am concerned to ensure that high standards prevail in the operation of the sector and that it is used only as a short-term response to homelessness.

At the request of my Department, Dublin City Council, which is a major user of bed and breakfast accommodation, and the Homeless Agency are conducting an ongoing review of this type of accommodation. This has led to increased monitoring, improved co-ordination and better management practice within the Dublin area. The research report Planning for Children, published recently by the Homeless Agency, recommended the establishment and monitoring of length of stay targets for children in such accommodation.

Waste Management.

168. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the further regulations he intends to introduce under sections 28 and 29 of the Waste Management Act 1996 to bring about waste prevention and minimisation; and if he will make a statement on the matter. [5335/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An effective basis for addressing our waste management responsibilities has been put in place through my Department's policy statements Changing Our Ways, 1998, Delivering Change, 2002, and Taking Stock and Moving Forward 2004; through statutory waste management plans, largely prepared on a regional basis; and the comprehensive regulatory framework now in place on waste. The Government is committed to an integrated approach to waste management based on the internationally recognised hierarchy of prevention/minimisation, significantly increased levels of recycling, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered.

A key priority currently is the development and roll out of a national waste prevention programme. A core prevention team was established

in 2004 in the Environmental Protection Agency to develop and drive a national waste prevention programme. The core prevention team has been developing baseline studies as part of the initial phase of the programme. The five year programme also envisages mandatory waste and material audits, waste prevention pilot schemes and so forth. Where regulatory provisions are required as the programme is implemented these will be given consideration by my Department.

A key component of the waste management system in Ireland has been the development of producer responsibility initiatives, PRIs. Last year I made regulations under the Waste Management Acts 1996 to 2005, to transpose and implement the EU directive on waste electrical and electronic equipment, WEEE, which is based on the promotion of waste prevention and minimisation objectives, and to further streamline the packaging waste regulations made in 2003.

My Department is currently developing regulations for further PRIs on waste tyres and the EU directive on end-of-life vehicles. Following on the success of producer responsibility initiatives already operating in the areas of packaging, farm plastics, construction and demolition wastes and WEEE, work is ongoing in developing a producer responsibility initiative for newsprint.

Environmental Policy.

169. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government his views on Ireland's poor performance in terms of wilderness protection, regional ozone, ecoregion protection and in the Environment Performance Index 2006; and if he will make a statement on the matter. [5250/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I was pleased to note that Ireland is ranked at tenth place overall in the Pilot 2006 Environmental Index which is published by the Yale Center for Environmental Law and Policy at Yale University. This reflects the generally high quality of our environment and the effectiveness of public and private sector actions on the environment. The index employs 16 indicators and, as with any index with multiple indicators, it is to be expected that the performance of individual countries will vary when assessed under the different indicators. While Ireland has performed well under certain indicators, our performance has been less strong in those mentioned in the question.

Nonetheless, as regards the indicators measuring wilderness protection and ecoregion protection, the relevance and value of these indicators for countries such as Ireland — and other developed European countries — is not entirely clear. Our biodiversity rich habitats are seminatural, reflecting thousands of years of moulding and management by human activity, and we have no true wilderness of the kind found in many less developed countries.

I am satisfied that our performance in protecting these habitats is good. The most important category in this regard is that of special areas of conservation, SACs, under the habitats directive. We are now conserving 420 SACs, covering some 11% of our land area; this is close to the European Union average. Furthermore, I am advised that some of the data for these indicators appears to date from around 2000. This would not adequately reflect significant new areas designated since that time under the habitats directive, and recent further progress in this regard.

It appears that the indicator relating to regional ozone relates to the protection of ecosystems from ozone. The Environmental Protection Agency, EPA, report, Ambient Air Quality in Ireland 2004, makes the point that the average concentrations of ozone in Ireland are well below the threshold for effects on human health. Moreover, the EPA report also states that levels are well below the thresholds for effects of ozone pollution on ecosystems.

Homelessness Levels.

170. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the provision he intends to put in place to aid and resource homelessness agencies to deal with the rise in homelessness among immigrants. [5305/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Very significant resources are being made available to address the issue of homelessness at national level. Any further development and reorientation of services for homeless persons generally will be taken forward in the context of a revised Government strategy on homelessness, to be prepared by my Department having regard to the independent review of the implementation of homeless strategies, which I published last week. A copy is being made available to the Oireachtas Library.

Question No. 171 answered with Question No. 125.

Housing Policy.

172. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if he will introduce a long-term strategy for the zoning and servicing of sufficient land to deliver housing; and if he will make a statement on the matter. [5261/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under section 95 (1) of the Planning and Development Act 2000, planning authorities are obliged to ensure that sufficient and

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suitable land is zoned for residential, or for a mixture of residential and other uses, to meet the requirements of their housing strategy and to ensure that a scarcity of residential land does not occur at any time during the period of the plan or within a reasonable period thereafter. The Part V housing supply guidelines set out how planning authorities can meet their obligations in this regard.

It is incumbent on planning authorities to take all reasonable steps to ensure that sufficient zoned and serviced residential land is available throughout the lifetime of the development plan and beyond to meet anticipated needs and allow for an element of choice. In particular, to ensure continuity of supply of zoned and serviced residential land, planning authorities should ensure that at the time they make a development plan, enough land will be available to meet residential needs for a sufficient number of years to meet not just the expected demand arising within the development plan period of six years, but will also provide for meeting demand for a sufficient period beyond the date on which the current plan ceases to have effect.

Considerable resources have been provided under the national development plan to facilitate the servicing of land for residential purposes. The benefits of this investment are evidenced by the growth in housing supply, with almost 81,000 homes completed last year and a growth in the stock of serviced land for residential purposes. The results of a survey in 2004 indicate that at the end of June that year, there were over 12,500 hectares of serviced residential land zoned nationally, with an estimated yield of about 367,000 housing units. The results of the 2005 survey are not available yet but the broad indications are that the situation has further improved.

Last year, the Government decided to task all local authorities to review their land management strategies, to ensure that they had sufficient land available to support their five year action plans for social and affordable housing. This review is now underway at local authority level.

Waste Management.

173. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the progress he has made in his consideration as to the way in which the waste collection market might be best regulated in the future, following the conclusions of the Competition Authority in October 2005 that the present system is not working well for consumers nationally. [5314/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It should be stressed that the Competition Authority did not note any significant anomalies in the amounts charged by private waste collectors throughout the country. However, it did suggest that a competitive tendering process might offer better options to customers by increasing competition in the market. As I have already indicated publicly, I am giving consideration to how the waste market might best be regulated in the future. My Department is examining a range of issues which require careful consideration and is having regard to the views of the authority in that context. I expect this process to be concluded shortly.

Greenhouse Gas Emissions.

174. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the projected expenditure on carbon emission trading for each year from 2006 to 2012 inclusive; and if he will make a statement on the matter. [5249/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 7 of 29 November 2005. In terms of the purchase of carbon allowances by the State, the Kyoto Protocol commitment period does not commence until 2008 and the purchase of allowances in respect of greenhouse gas emissions in 2006 and 2007 does not arise.

The purchase of allowances by Irish installations participating in the EU emissions trading scheme depends on whether installations concerned opt to introduce measures to reduce emissions or buy allowances or a mix of both. These options are open to each installation and their individual decisions will influence the overall cost to the trading sector.

EU Directives.

175. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government the title of each EU directive within his Department competency which has not been transposed into law; the number of warning letters received by his Department from the Commission or other EU bodies relating to each non-transposed directive; the date by which each non-transposed directive was to have been transposed; the date by which he intends to have each non-transposed directive transposed; and if he will make a statement on the matter. [5318/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am fully aware of the importance of timely transposition of EU environmental legislation, some 200 items of which, including more than 140 directives, have by now been transposed in this country. There are nine directives in my Department's area of responsibility which are outstanding for transposition. Details of these directives are set out as follows.

Directive Number and Title	Date Due for Transposition	No. of Communications received	Current Position on Transposition
Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles	21 April 2002	4	My Department will be publishing draft regulations to give effect to this directive later this month. It is anticipated that the legislation fully transposing the directive will be finalised in the second quarter of 2006.
Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise	18 July 2004	2	It is intended that the regulations to transpose this directive will be signed in the next few weeks.
Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the member states relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the member states relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	11 August 2004 20 May 2005	2	The drafting of regulations to transpose these is ongoing and will be completed as quickly as possible.
Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC	14 February 2005	2	Regulations for the transposition of this directive are in drafting and it is intended that it will be transposed at the earliest possible date.
Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC	25 June 2005	2	Work is continuing on the various instruments with a view to completing transposition at the earliest possible date.
Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste	18 August 2005	1	My Department has prepared draft Regulations to transpose this directive. These will be submitted to the EU Commission shortly.
Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC	31 October 2005	1	The drafting of Regulations to transpose these is ongoing and will be completed as quickly as possible.
Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings	04 January 2006	—	Elements of this directive have already been transposed. Work is continuing, in co-operation with the Department of Communications Marine and Natural Resources, with a view to the submission of the outstanding transposing material by the second quarter of 2006.

Private Rented Accommodation.

176. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government his views on the operation of the Residential Tenancies Act 2004 to date in 2006; and if he will make a statement on the matter. [5253/06]

212. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if a review will be carried out of the implementation of the Residential Tenancies Act 2004 to assess the degree of compliance of landlords with its provisions and with a view to amending its provisions to address the deficiencies in the Act with regard to security of tenure for tenants. [5333/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 176 and 212 together.

The Residential Tenancies Act is generally operating well and I am not aware that deficiencies in the security of tenure provisions have come to light. It is a statutory function of the Private Residential Tenancies Board to review the operation of the Residential Tenancies Act 2004 and any related enactments and make recommendations to the Minister for amendments, as appropriate. I will consider any such recommendations as well as any suggestions from other sources that may be received, following an adequate period of experience of the operation of the legislation.

Question No. 177 answered with Question No. 110.

Environmental Policy.

178. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the strategies he intends to put in place to ensure that air quality levels continue to comply with the air quality standards in future years, particularly in city and urban areas where, according to the recent air quality report from the Environmental Protection Agency, are the areas most at risk to deteriorating air quality due to traffic-related pollutants. [5308/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Air Quality Standards Regulations 2002 introduced requirements for development of air quality management plans by local authorities, in co-operation with the Environmental Protection Agency. Where the indicative level for any pollutant is exceeded, the 2002 regulations require the local authority concerned, following notification by the agency, to develop a long-term air quality management plan to ensure compliance with the thresholds for the relevant pollutant or pollutants, including those arising from traffic. Where there is a future risk of a pollutant threshold being exceeded and the agency considers measures are likely to be needed in the short term, the agency is expected to notify the relevant local authority to prepare a short-term air pollution action plan to reduce the risk. Under the EU auto oil programme, a series of directives has been implemented which provide for progressively cleaner road fuels, including the introduction of sulphur-free fuels.

The fourth air quality "daughter" directive, which must be transposed by February 2007, addresses arsenic, cadmium, nickel and polycyclic aromatics hydrocarbons, PAHs, in ambient air. PAHs arise, *inter alia,* from traffic emissions. Regulations are in place since 2001 requiring the mandatory provision of consumer information on fuel economy and carbon dioxide emissions from all new passenger cars. This measure allows consumers to make informed choices in vehicle purchasing on both environmental and fuel efficiency grounds.

In September 2005, the European Commission published the Thematic Strategy on Air Pollution, one of seven thematic strategies promised in the 6th environmental action programme. The strategy represents the next generation environment policy on air quality which takes a medium perspective to 2020 and aims to cut the annual number of premature deaths from air pollution related diseases by almost 40% by 2020, from the 2000 level, while also substantially reducing the area of forests and other ecosystems suffering damage from airborne pollutants.

The strategic objectives of the thematic strategy will be attained by simplifying current air quality legislation and, where appropriate, revising and-or proposing new legislation, including reducing emissions from light and heavy duty vehicles, EURO 5 and 6 standards, shipping, agriculture and small combustion plants.

The proposal for a directive on ambient air quality and cleaner air for Europe was published in conjunction with the thematic strategy. The directive aims to simplify and streamline current air quality legislation by consolidating the 1996 air quality framework directive and the first three "daughter" directives into a into a single directive; the "daughter" directives address sulphur dioxide, nitrogen dioxide, particulate matter, PM10, lead, benzene, carbon monoxide and ozone in ambient air. The proposed directive includes requirements to address fine particulates, PM 2.5.

Measures in regard to the transport sector are generally the responsibility of my colleague the Minister for Transport. These measures are broadly covered by vehicle standards, fuel efficiency, modal shift, Luas, DART, QBCs, cycle lanes, etc., and demand management, large infrastructural projects such as the M50 upgrade, the Dublin Port tunnel, various town bypasses and

general measures to help relieve traffic congestion, etc.

Recycling Policy.

179. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government his views on the submission to the Joint Committee on Environment and Local Government by a person (details supplied) which states that there is little or no true recycling here; and if he will make a statement on the matter. [5242/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Government policy on waste management is firmly rooted in the waste hierarchy, an integrated waste management approach that places greatest emphasis on waste prevention, followed by minimisation, reuse, recycling, waste to energy and finally environmentally sustainable disposal of residual waste. National waste statistics in respect of all waste streams are published on an annual basis by the Environmental Protection Agency, EPA. The latest figures available on municipal waste generation are contained in the national waste report 2004, published by the agency last month, which reports that the recycling rate in the municipal waste stream has risen to 32.6% in 2004, up from 28.4% in 2003. The 2013 recycling target of 35% set in the Government's policy document Waste Management: Changing Our Ways, 1998, is almost achieved. Recovery rates for packaging waste in 2004 increased to 56%, exceeding Ireland's 2005 target recovery rate for this waste stream of 50% set out in EU Directive 94/62/EC on packaging and packaging waste.

The data in the 2004 report demonstrates the positive impact of a number of Government initiatives in the area of waste management in recent years as follows: the extension of segregated waste collection services for dry recyclables to 560,000 households by 2003; the increased availability of bring facilities with 1,929 bring banks and 69 civic amenity sites nationwide by 2004; greater use of pay by use waste charging to incentivise recycling; the race against waste public awareness campaign with its key message to "Reduce, Reuse, Recycle"; and the introduction of producer responsibility initiatives in the areas of packaging waste and waste electrical and electronic equipment.

The EPA National Waste Report 2004 indicates that 891,240 tonnes of non-hazardous waste destined for recovery was exported for recycling in 2004 which represents 73.8% of Irish waste recycling. A total of 26.2% of the total of recyclables collected were processed in Ireland. As noted by the EPA report, the export of recyclable waste materials is a trade that cannot be inhibited by member states. The OECD decision of C(92)39 final on the control of transboundary movements of wastes destined for recovery operations notes that the recovery of valuable materials and energy from wastes is an integral part of the international economic system and that well established markets exist for, and can contribute to, the collection and processing of such materials within member countries.

While international trade in waste is consistent with Government policy in so far as it supports improved performance in recycling, the Government recognises the value of a more developed recycling infrastructure in Ireland. A market development group was established by the Government in 2004 to identify market opportunities for materials recovered for recycling. A market development programme will be developed by the group in 2006.

Animal Welfare.

180. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the progress of the public consultation on the working group's review of the management of dog breeding establishments; if he will commit to its swift implementation; and if he will make a statement on the matter. [5274/06]

627. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the findings of the report from the working group's review of the management of dog breeding establishments; and if he will make a statement on the matter. [5377/06]

628. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will commit to the swift implementation of the report from the working group's review of the management of dog breeding establishments; and if he will make a statement on the matter. [5378/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 180, 627 and 628 together.

I refer to the reply to Questions Nos. 539 and 556 of 31 January 2006.

Question No. 181 answered with Question No. 154.

Social and Affordable Housing.

182. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the level of social housing completions between January and September 2005, accounted for just 5.8% of the total houses built within that timeframe; if his attention has further been drawn to the fact that just 6.7% of the 76,954 houses built in 2004 were for social housing purposes; the reason social housing completions fell by 21.6% between 2003 and 2004. [5303/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department is currently compiling the output figures for social housing for 2005 on the basis of returns from local authorities. These figures will be published in due course in the Department's annual housing statistics bulletin for 2005 and on the Department's website at *www.environ.ie*. Based on returns to date, I expect this will show an increase on the total number of houses constructed and purchased by local authorities and the voluntary sector in 2004, which was 6,117 units.

The Government's response to the housing need cannot be judged based on the percentage of new social housings units built as a percentage of the overall supply. First, the growth in overall output of housing in Ireland over the past decade has been unprecedented and this in itself is providing greater choice and access to housing for our growing population. The year 2005 represented a further record year with nearly 81,000 new homes completed.

Second, we now have in place a broad range of targeted measures to meet the needs of lower income groups. In addition to building new homes, local authorities also purchase some second-hand homes for social housing applicants, vacancies arise in the stock and a range of affordable housing schemes are also available. In 2004, some 12,000 households benefited through these various measures. There are record levels of housing output and increased investment in social and affordable housing measures, the positive impacts of which can be seen in the 10% decrease in waiting lists for local authority housing over the period 2002 to 2005.

In December 2005, the Government launched a new housing policy framework, Building Sustainable Communities, setting out the Government's vision for housing policy over the coming years. The framework envisages a substantial increase in investment involving €4 billion in Exchequer capital between 2006 and 2008, which will allow for some 50,000 households to be assisted over the coming three years. We will also be implementing a programme of reforms particularly focused on improving the quality of the social housing environment.

Decentralisation Programme.

183. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the progress to date in 2006 in implementing the Government's decentralisation programme for his Department; and if he will make a statement on the matter. [5281/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is co-operating with the Department of Finance, the decentralisation implementation group, DIG, and the Office of Public Works to ensure the Government's decentralisation programme is implemented efficiently and effectively. The programme involves the relocation of my Department's operations to four locations in the south east *viz*, Wexford, Waterford, New Ross and Kilkenny. In accordance with the Government decision on the first phase of moves under the programme, the transfer of my Department's headquarters to Wexford is included in the list of those organisations designated as early movers.

Implementation plans setting out the issues to be addressed in implementing the decentralisation programme for this Department have been submitted to the DIG. The plans are available to view on the Department's website *www.environ.ie.* At this stage, a total of 113 staff are available for transfer to Wexford and the transfer of volunteer staff to the Department is ongoing. My Department has also commenced the process of contacting applicants for the other three locations with a view to arranging for their early transfer to the Department.

In regard to property requirements, my Department and the Office of Public Works expect very shortly to agree a site for the location of the Department's headquarters. As regards the remaining three locations, the Office of Public Works is evaluating site options at present.

Question No. 184 answered with Question No. 118.

Recycling Policy.

185. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on the delay in the implementation of a producer responsibility scheme for the newspaper and magazine sector, in view of the fact that it was the view of his Department, as far back as 2001, that systems were available for such an implementation (details supplied); and if he will make a statement on the matter. [5341/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has been in discussion with the newsprint industry with a view to developing a producer responsibility initiative, PRI, for the recovery and recycling of newspapers and magazines. A joint industry taskforce, comprising the Regional Newspapers Association of Ireland, RNAI, Irish Retail Newsagents Association, IRNA, Newspread and Eason Wholesale Limited, and co-ordinated by National Newspapers of Ireland, NNI, was established and has been engaged in negotiations with the Department. The current position is that a proposal from industry for a producer responsibility initiative in regard to post consumer newsprint waste is being examined by my Department.

Local Authority Housing.

186. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will introduce a requirement to oblige local authorities to replace every unit of social housing sold under the tenant purchase scheme with a new additional unit of social housing. [5330/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Figures available to my Department indicate that the number of local authority houses constructed or acquired in recent years far exceeds the number of local authority houses sold under tenant purchase schemes. For example, in the years 2000 to 2004 22,785 units were constructed or acquired by local authorities while 7,669 local authority units were sold to tenants.

Question No. 187 answered with Question No. 131.

Waste Disposal.

188. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the number of times he and his Department officials have met Indaver Ireland on the subject of incineration; and if he will make a statement on the matter. [5230/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that meetings took place between officials of my Department and the company in question in summer 2003 and that my predecessor, accompanied by officials, met representatives of the company early in 2004. At no point have I as Minister met the company.

My Department and I hold regular consultations with stakeholders in the context of the ongoing implementation of Government policy on waste management. This is designed to ensure that all concerns are understood and, where possible and appropriate, addressed.

Sustainable Development Strategy.

189. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the policy initiatives he is taking to ensure sustainable development, including sustainable urban densities and consolidated urban areas as recommended by NESC; and if he will make a statement on the matter. [5263/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is undertaking a wide range of initiatives to ensure that the unprecedented rate of population growth and housing development being experienced in Ireland is planned for in a manner that will over the longer term support more balanced regional development and the creation of sustainable urban areas and communities.

Many of these initiatives have the full support of the NESC, including the national spatial strategy which the council endorsed as the national spatial framework to structure and direct future growth. The council also endorsed the integrated structure of spatial planning at the national, regional and local levels put in place in partnership between my Department and regional and local authorities. A more strategically focused and plan-led planning system, including the NSS, regional planning guidelines and city and county development plans, is now in place to ensure closer integration between where people live and where people work and the provision of infrastructure, thereby reducing congestion and longer distance commuting and enhancing quality of life. The challenge now is to support the implementation of these policies, particularly at local level.

On this issue of more compact and sustainable urban development and building on the objectives of the NSS, my Department launched a new housing policy framework, Building Sustainable Communities, in December 2005. This framework, which also responded to NESC Report No. 112, Housing in Ireland, Performance and Policy, sets out the Government's vision for housing policy over years. It provides for an integrated package of policy initiatives in areas such as supporting higher densities and compact urban settlement through design innovation in the creation of new homes, new urban spaces and new neighbourhoods. To support the introduction of these policy initiatives, my Department has commissioned a research study into apartment size and space standards which will feed into new planning guidelines later this year. Additional guidance on best practice mechanisms in the effective linkage of the development of new residential areas with the provision of wider social infrastructure such as schools and amenities is also envisaged.

The residential density guidelines have also been in place since 1999. Taking account of the NESC housing report and recognising the major contribution that higher densities and compact urban development is making towards the aims for more sustainable development, my Department also intends to update and further develop these planning guidelines later this year. The updating of the guidelines will take account of the extensive experience built up since the introduction of the residential density guidelines in the design, assessment and development of higher density proposals.

Question No. 190 answered with Question No. 126.

Register of Electors.

191. **Mr. Gilmore** asked the Minister for the

[Mr. Gilmore.]

Environment, Heritage and Local Government if he has received a request from local authorities for additional resources to assist in the compilation of the electoral register; the local authorities which have made such a request; his response to same; and if he will make a statement on the matter. [5327/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The compilation and publication of the register of electors is a matter for each local registration authority in accordance with electoral law and it is the duty of registration authorities to ensure as far as possible the accuracy and comprehensiveness of the register.

Local authorities fund their general expenditure, including in regard to the register, from a variety of sources, including commercial rates, rents, fees, charges for services and general purpose grants from the local government fund. Since the establishment of the fund in 1999, record levels of funding have been made available through the local government system to improve the quality and range of services being provided by local authorities. In 2006, I have allocated general purpose grants from the fund totaling €875 million, an increase of €57 million or 7% over the amount provided last year.

In recent times, I have received a request from one local authority, in November 2005 from Kildare County Council, seeking additional resources for its work in compiling the register. I replied to the authority along the general lines set out above. In the case of Kildare County Council, I have allocated €23.893 million in general purpose grants in 2006, an increase of 9.6% over 2005.

Fire Stations.

192. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his views on whether the fire service here has the resources, personnel, training and emergency planning to deal with a blaze of the magnitude of that at the fuel depot in Herefordshire in the UK in December 2005. [5309/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision of a fire service is a statutory function of the individual fire authorities and my Department has no direct role in this matter. Each local authority has a major emergency plan for dealing with major incidents and such plans take account of particular potentially hazardous facilities within the functional area concerned. Major emergency plans are reviewed on a regular basis and exercises are carried out, including joint exercises with the Garda and the Health Service Executive, to test the plans.

An interdepartmental committee chaired by my Department has just completed a review of the major emergency planning framework on which the local authority, Health Service Executive and Garda Síochána major emergency plans are based. I intend shortly to promulgate and implement the updated framework which will place particular emphasis on the co-ordination of response to major incidents.

Litter Pollution.

193. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government the progress to date in 2006 in implementing the litter action plan; and if he will make a statement on the matter. [5279/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The litter action plan, the national anti-litter strategy, adopts a multi-sectoral approach — with broadly based local partnerships with local authorities taking the lead role — as the basis for combating litter. Key actions continuing or implemented under the litter action plan are as follows: developing and implementing the national litter pollution monitoring system and publicising system results; Co-financing the an Taisce-led national spring clean initiative; implementing a local authority anti-litter awareness grant scheme; co-financing the Irish Business Against Litter Campaign, IBAL, national litter league; maintaining a best practice website to encourage new or innovative anti-litter action; Increased on-the-spot and court fines for offences under the Litter Pollution Acts; prohibition of advertising by means of placing items on vehicles; arranging for national anti-litter advertising campaigns; introducing a plastic bag levy; and securing a negotiated agreement with the chewing gum industry.

My Department is now taking forward further actions, including the following: working with local authorities to improve training for the litter warden service; working with the relevant sectors to reduce or eliminate the impact of problematic litter items such as bank ATM receipts and fast food wrapping and encouraging the development of anti-litter action plans by Departments and the principal State agencies in respect of their own organisations.

Key measures in the litter action plan affecting local authorities include: establishing broadly based anti-litter partnerships at local level; undertaking new and innovative forms of anti-litter action; reviewing and improving litter management plans; intensifying enforcement action; providing free phone services for reporting litter offences; introducing greater flexibility in litter warden working arrangements; implementing fully the national litter pollution monitoring system; reviewing existing clean up services to ensure maximum efficiency and effectiveness; using grant funding for anti-litter education and

awareness, and for activities to leverage local business funding for additional anti-litter measures; and focusing litter education and awareness activities on the involvement of schools in anti-litter action.

Progress reports returned to the Department by local authorities on the implementation of actions relevant to them indicate that they are active in meeting the objectives set for them in the plan. Litter enforcement statistics are available in the Oireachtas Library and show that local authority performance on enforcement of the litter laws continues to improve. More litter wardens have been employed and there have been substantial increases in the number of prosecutions taken and on-the-spot fines issued annually.

Question No. 194 answered with Question No. 120.

Social and Affordable Housing.

195. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to ensure that social housing completions account for at least 12% of all housing completions by 2012, as recommended by the 2004 NESC report on housing in Ireland. [5304/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There has been unprecedented growth in overall housing output in Ireland over the past decade and this in itself is providing greater choice and access to housing for our growing population. The year 2005 represented a further record year, with nearly 81,000 new homes completed. In addition, there is now in place a broad range of targeted measures to meet the needs of lower income groups. As well as building new homes, local authorities also purchase some second-hand homes for social housing applicants, vacancies arise in the stock and a range of affordable housing schemes is also in operation. In 2004, some 12,000 households benefited through these various measures.

The Government has also put in place a number of new arrangements to facilitate the delivery of strong programmes of social and affordable housing. In consultation with my Department, local authorities have developed five-year action plans for their social and affordable housing programmes covering the period to 2008. The preparation of these plans has improved the identification of priority needs and will help to ensure a more coherent and co-ordinated response across all housing services.

The new multi-annual plans have also provided an overview of delivery by a range of providers — local authorities, voluntary and co-operative housing bodies and the private sector — through Part V and public private partnership arrangements. A mid-term review of plans will be undertaken this year which will allow for adjustments to be made in light of actual performance and any new housing policy initiatives arising in the interim.

In December 2005, the Government launched a new housing policy framework, Building Sustainable Communities, which outlines key principles underpinning housing policy and investment over coming years. The framework sets out an important programme of investment and reform to address the key policy challenges highlighted by the NESC report on housing, and takes account of the results of the 2005 housing needs assessment and the work of the housing forum in regard to the effectiveness of social and affordable housing provision.

As a result of extra capital provision in the Budget for 2006, substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008 and some 15,000 affordable homes to be delivered. In total, some 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. Implementation of these expected targets will represent a significant response to the recommendations of the NESC housing report.

Local Authority Property

196. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if his Department will implement a code of conduct to recommend the principles to which local authorities should adhere in their purchasing and selling of property. [5352/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In regard to the purchase and disposal of land, local authorities operate within the framework of relevant legislative provisions, notably those of the Planning and Development Act 2000 and the Local Government Act 2001. In addition, the extensive legislative and administrative procedures set out in EU public procurement directives and related guidelines govern the activities of local authorities and other public bodies in regard to the purchase and disposal of other property above defined thresholds.

Water and Sewerage Schemes.

197. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government his views on whether it is unfair to ask non-residential residents of rural areas to pay enormous contributions towards sewerage schemes; his views on whether the requested €3 million towards the long awaited Achill sewerage scheme is impossible for local business; his further views on the fact that the Achill area cannot be com-

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pared to a large urban area or town under the polluter pays principle; the steps he will take in this situation; and if he will make a statement on the matter. [5072/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Achill Sound sewerage scheme has been approved for construction under my Department's water services investment programme 2005-2007. In common with all projects funded under the programme, this scheme is subject to water services pricing policy. Local authorities must ensure that the design and scale of individual schemes takes account of the implications of the pricing policy framework. In broad terms, this involves my Department funding the capital costs associated with the provision of services to meet the requirements of the existing domestic population. The additional marginal capital cost of servicing non-domestic consumers, and providing for future development, is recovered by the local authority from all non-domestic consumers in its functional area, that is, on a county-wide basis, through a combination of water charges on commercial consumers and planning levies on future development. Only significant large-scale consumers who reserve a specific proportion of the overall capacity of a scheme are required to make a direct contribution to the capital costs upfront. I understand that it is unlikely that there are any such consumers in this case.

My Department is awaiting submission by Mayo County Council of a revised water services pricing policy report that will determine the appropriate apportionment of the capital costs in this case in accordance with the policy framework. I understand that the council is reviewing the scheme with a view to reducing the overall cost to a more economic level.

198. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the reason he instructed local authorities to speed up water and sewerage schemes; if he will take a greater leading role on the issue; and if he will make a statement on the matter. [5234/06]

216. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the strategies he intends using to speed up the construction of water and waste water treatment plants proposed under the water services investment programme 2005-2007; the implications these strategies will have for communities in the vicinities of the proposed plants; if these strategies include the curtailment of public consultation with local communities in the vicinity of the sites of the treatment facilities; if the carrying out of environmental assessments on such facilities will be affected by these strategies. [5297/06]

621. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if new rules have been produced which allow sewerage schemes under €5 million to proceed without reference back to his Department once they have been approved; if this new rule applies to schemes already in the pipeline; and if he will make a statement on the matter. [5167/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 198, 216 and 621 together.

Record levels of funding have been provided for new and upgraded water and waste water infrastructure under the current national development plan. The additional capacity this has produced has made a direct and substantial contribution to strengthening economic performance by facilitating industrial and residential development and by supporting environmentally sustainable growth across all sectors. Given its pivotal role, it is essential that the most efficient procedures are in place to ensure that water services infrastructure provision can continue to anticipate and respond effectively to demand for new or improved services.

Against that background, I recently introduced new administrative procedures to streamline the advancement of individual water and sewerage scheme through the procurement process. The procedures, drawn up in consultation with the local authorities, provide that an individual scheme with a value of less than €5 million may, following preliminary approval by my Department, proceed to construction without further reference to the Department. This reduces from four to two the number of stage approvals that are subject to departmental approval in such cases up to the commencement of construction. Subject to the submission of certain limited additional supplementary information, the new procedures also apply to schemes where preliminary approval has already been received from the Department.

The new procedures are entirely administrative and, as such, will have no bearing on any statutory or other public consultation processes. I am nevertheless confident that devolving greater responsibilities to the local authorities and streamlining the administrative process will, as well as strengthening the local government system, maximise progress an individual schemes and on the water services investment programme generally.

Question No. 199 answered with Question No. 131.

Fire Stations.

200. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government the action he intends to take on the Farrell, Grant, Sparks report on the fire service given to

his Department in 2002; and if he will make a statement on the matter. [5255/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has implemented a number of the important recommendations of the report review of fire safety and fire services in Ireland. These include in particular the enactment of the Licensing of Indoor Events Act 2003, which addressed a number of legislative changes called for in the review. In addition, the high level of capital investment in the fire service has been continued and now stands at almost €20 million per annum. The interdepartmental committee on major emergency planning, which is chaired by my Department, has just completed a review of the major emergency planning framework on which local authority, Health Service Executive and Garda major emergency plans are based and I will be taking proposals to Government shortly for the implementation of the updated framework.

In February 2005, I announced a fire services change programme to implement the key fire services and fire safety recommendations of the review of fire safety and fire services in Ireland. This programme sets out the strategy for the future development of the fire service and includes measures addressing the development of community fire safety programmes, the development of a risk-based approach to the determination of fire cover standards, the introduction of a competency-based approach to recruitment, retention and career progression in the fire service and the enhancement of health, safety and welfare programmes within the fire service. Work on the fire service change programme is being carried out by a dedicated project team and is progressing satisfactorily.

Question No. 201 answered with Question No. 154.

Planning Issues.

202. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if his Department will request An Bord Pleanála to introduce a formal quality review procedures to allow evaluation of the planning merits of its decisions and the setting of standards; and if he will make a statement on the matter. [5265/06]

208. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if his Department regularly monitors planning decisions; his plans to address problems which may have arisen in relation to the quality of such decisions arising at a policy or planning authority level; and if he will make a statement on the matter. [5266/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 202 and 208 together.

As part of the response to the report of the Comptroller and Auditor General of April 2002 on the operation of the planning appeals system, a committee of officials from my Department and An Bord Pleanála was established to meet to assist in responding to the recommendations of that report. Arising out of the discussions of that committee, An Bord Pleanála has put in place a mechanism to address and respond to complaints about its decisions and to correct decisions where appropriate. The board has also put in place revised internal operational procedures aimed at ensuring ongoing quality in the decisions that they make. In addition, under section 34(10) of the Planning and Development Act, the board is required to indicate the main reasons and considerations on which its decisions are based.

The report also identified a role for the Department in examining the rate in overturns of planning decisions of individual planning authorities. In addition to working with the board through the joint committee to analyse the trends in overturns by category of development, my Department is actively liaising with a sub-committee of the city and county managers' association to monitor practices and identify the need for policy guidance on specific issues and the scope for exchanging best practice amongst planning authorities. Over recent years, the Department has also proactively engaged in producing policy guidelines on key areas to help ensure greater consistency in decision making. The performance indicators, which contain a number on the planning system and were published for the first time in 2004, will also be a valuable baseline against which future performance can be assessed over the coming years. The Department will continue to work with the board and the local authorities to improvement the quality of their performance in development management.

Question No. 203 answered with Question No. 123.

Site Maintenance.

204. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the progress to date in 2006 by his Department in implementing the legal requirement of his Department to rehabilitate the site of the former Irish Steel Company; and if he will make a statement on the matter. [5280/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is mandated by a Government decision to maintain and secure this site, to conduct a suitable site investigation and to prepare a report for Government on the results of that investigation. The site investigation works have now been completed

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and my Department expects to have the resulting interpretative reports within a few weeks.

The deteriorating condition of a number of the buildings on site, coupled with an opportunity to sell for scrap the metal content of the remaining plant and buildings, resulted in a decision to undertake certain demolition works as an interim measure. These works are now well advanced.

Question No. 205 answered with Question No. 165.

Departmental Audit.

206. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the results of his Department's internal audit which reviewed the adequacy of his Department's internal control and risk management systems; and if he will make a statement on the matter. [5282/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The internal financial controls of my Department are reviewed regularly and amended and updated as appropriate, particularly in the context of the preparation of the statement on internal financial controls which must accompany the annual appropriation account. My Department's internal audit unit also reviews internal control and risk management systems on an ongoing basis and provides assurances to the Accounting Officer on the existence, adequacy and effectiveness of these systems. This is primarily achieved through undertaking a programme of internal audits across the Department in the context of audit plans. This programme is approved by my Department's audit committee which oversees the work of the internal audit unit. The committee advises the Accounting Officer on internal control and risk management systems as part of the ongoing systematic review of the control environment and governance procedures within my Department.

House Prices.

207. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government his view of the situation whereby tax incentives being offered to property investors are driving up house prices at a time when housing lists are growing and social housing provision is at an all time low; and the strategy he intends to take to ensure the recommendations of the NESC report are carried out. [5317/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The unprecedented demand for housing, consequent of rapid economic growth and demographic changes, has been the major driver of house price increases in recent years. Although precise information is not available, it is clear there has been significant activity over this period by investors in the housing market. This is to be expected in a growing economy. While at different times and locations this may have an impact on prices, there are also gains in terms of the supply of private rented accommodation, tourist accommodation and revitalisation of areas. The winding down of some property-based tax reliefs announced in the budget for 2006 is consistent with the greater capacity of particular economic sectors to fund such investment from their own resources.

Against this background, the key focus of the Government's strategy in the housing area is to increase housing supply to meet the diverse demand. This approach has been endorsed by the National Economic and Social Council, NESC, in its Report No. 112, Housing in Ireland, Performance and Policy. The effectiveness of this approach is seen in the substantial growth in housing supply, with almost 81,000 new homes completed in 2005. House price increases have moderated significantly in recent years and this is largely attributable to the large increase in housing output achieved in recent years.

Substantial investment has been made in targeted measures to assist those with affordability problems, and some 100,000 households have benefited from these measures over the past nine years. This, combined with overall increases in housing supply, has impacted positively on housing waiting lists. The most recent housing needs assessment showed a 9.7% decrease compared with the 2002 assessment.

Building on the achievements to date, during 2005, we brought forward new initiatives to specifically address the policy challenges for the future raised in the NESC report. In June, we launched the affordable homes partnership to co-ordinate and accelerate the delivery of affordable housing in the greater Dublin area. In December, we launched a new housing policy framework, Building Sustainable Communities. This sets out the fundamentals of the Government's vision for housing policy in coming years. The framework outlines a substantial increase in investment. This includes starting some 23,000 new social homes over the coming three years which, together with affordable housing and other housing options, will allow for some 50,000 households to be assisted over the coming three years. We will also be rolling out a programme of reforms particularly focused on improving the quality of the social housing environment. A more detailed document will be published during 2006.

Question No. 208 answered with Question No. 202.

Planning Issues.

209. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government

the number of reported unauthorised developments handled by each local authority in the years 2003, 2004 and 2005; and if he will make a statement on the matter. [5329/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Service Indicators in Local Authorities 2004 report showed that 10,176 complaints regarding unauthorised developments were investigated by planning authorities in 2004. As this was the first national report on service indicators, no comparable information is available in respect of 2003. I expect to receive the 2005 report on service indicators from the local government management services board by the end of June 2006.

Question No. 210 answered with Question No. 131.

Architectural Heritage.

211. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he intends to take action to ensure the protection of No. 16 Moore Street following a consultants' report recommending that the property be added to the record of protected structures; and if he will make a statement on the matter. [5324/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the replies to Question No. 413 of 12 October 2005, Question No. 637 of 25 October 2005 and Question No. 111 of 29 November 2005.

Statutory protection of the architectural heritage is primarily a matter for the planning authorities to whom my Department provides advice in the exercise of their functions in that regard under the Planning and Development Act 2000. On 25 August 2005, I recommended to Dublin City Council in accordance with section 53 of the Planning and Development Act 2000 that No. 16 Moore Street should be added to its record of protected structures, RPS, because of its historical and architectural interest. I understand that Dublin City Council then commissioned a report to determine the historical and architectural significance of the building and that the report was completed in November 2005 and circulated to the city council members for discussion at their December 2005 meeting. On 5 December 2005, Dublin City councillors unanimously decided to place No. 16 Moore Street on the RPS. The council also decided to add the buildings beside No. 16, at Nos. 14, 15 and 17 Moore Street to the RPS. I greatly welcome this step. I also understand that the city council made arrangements for the owners to carry out essential repairs to the roof of the premises to ensure the essential fabric of the structure is protected while appropriate decisions were taken. I also welcome these actions.

I am satisfied that the use of the Planning Acts, together with the city council acting proactively and in a vigilant manner to ensure the status of the building once it is formally proposed for inclusion on the record of protected structures, will be sufficient to ensure its protection. The Planning Acts were modernised recently to empower local authorities to protect our built heritage, and I intend to continue to allow the council to exercise its powers responsibly on this basis.

Question No. 212 answered with Question No. 176.

Question No. 213 answered with Question No. 139.

Question No. 214 answered with Question No. 156.

Air Pollution.

215. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which air pollutants have been recorded at various locations here; if such measurements indicate a trend, with particular reference to compliance with Kyoto principles; and if he will make a statement on the matter. [5226/06]

658. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which air pollutants have been recorded at various recording points throughout County Kildare; if such measurements indicate a trend, with particular reference to compliance with Kyoto principles; and if he will make a statement on the matter. [5775/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 215 and 658 together.

Air quality assessment is the responsibility of the Environmental Protection Agency, EPA, and air quality management a matter for local authorities informed by air quality measurement data. The EPA's ambient air quality in Ireland report 2004, which is available in the Oireachtas Library, contains details of the monitoring and assessment of national air quality and incorporates data from all air quality monitoring stations operated by the EPA and local authorities. Air quality was good throughout the country in 2004 and complied with the air quality standards in force for all pollutants.

The EPA is also responsible for the preparation of annual greenhouse gas inventories in accordance with guidelines from the intergovernmental panel on climate change under the United Nations framework convention on climate change. The agency compiles much of the information on the basis of national activities data,

[Mr. Roche.]

such as energy balances and agriculture statistics, obtained from relevant Government Departments and their agencies, and the Central Statistics Office. Trends in ambient air pollutants are not relevant to compliance with greenhouse gas emission targets under the Kyoto Protocol.

Question No. 216 answered with Question No. 198.

Greenhouse Gas Emissions.

217. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government when his Department will publish a review of the national climate change strategy; and if he will make a statement on the matter. [5351/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 12 of 29 November 2005. The position is unchanged.

Departmental Staff.

218. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the chief archeologist's academic qualifications. [5349/06]

643. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the details of the chief archaeologist's academic qualifications. [5446/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 218 and 643 together.

The chief archaeologist post in my Department is occupied by an officer who holds a BA honours in archaeology and who has served in the national monuments service of the Office of Public Works, the Department of Arts, Heritage, Gaeltacht and the Islands and the Department of the Environment, Heritage and Local Government since 1976, dealing with a wide range of archaeological issues. These include the archaeological survey of Ireland, conservation programmes at national monuments and all aspects of development related archaeology.

It would be wrong to assume that academic qualifications should be the only or main criterion on which appointments within my Department or other public service organisations are made. The position in question requires strong leadership qualities, management skills and sound judgment, all of which are evident in this case. The incumbent enjoys the full confidence of his team and superiors, as well as my support.

Question No. 219 answered with Question No. 165.

Waste Disposal.

220. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if he intends to include information technology hardware within the remit of a producer responsibility scheme in the near future; and if so, his views on initiating a wider consultation process than accompanied the transposition of the WEEE directive. [5345/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Information technology hardware is within the scope of the EU directive on waste electrical and electronic equipment, WEEE, and is therefore already fully provided for in the WEEE regulations.

Social and Affordable Housing.

221. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government his plans to provide extra funding for the provision of special housing in other urban areas where building costs are high on foot of his decision to provide extra funding for the greater Dublin area; and if he will make a statement on the matter. [5239/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the question refers to rates of funding applying under the voluntary housing schemes. I have recently announced increased funding limits for categories of accommodation under the schemes which are set out in the following table:

Capital Assistance Scheme

	Ordinary	Higher	Certain offshore islands
	€	€	€
Category 1 (one or two person units)	110,000	150,000	140,000
Category 2 (three or more person units)	135,000	170,000	150,000
Category 3 (Traveller bays)	135,000	170,000	150,000

Capital Loan and Subsidy Scheme

	Ordinary	Higher	Certain offshore islands
Category 2 (three or more person units)	135,000	170,000	150,000

Site costs

Ordinary	Higher
€40,000	€50,000

The new rate for communal facilities is €7,500 per unit of accommodation provided.

The higher level of assistance, previously available in the five county borough areas — Dublin, Cork, Galway, Limerick and Waterford — and in the areas of Fingal, Dún Laoghaire-Rathdown and South Dublin, was also extended to include Kildare, Meath and Wicklow county council areas. There are no proposals to extend the higher level of assistance to other urban areas.

Question No. 222 answered with Question No. 131.

223. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the number and percentage of overall house completions in 2005 which were social housing units. [5338/06]

650. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of new houses built by the various local authorities and offered to tenants in the year ending 31 December 2005; and if he will make a statement on the matter. [5767/06]

651. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of houses provided through the various local authorities under the private or subsidies sites scheme in the year ending 31 December 2005; and if he will make a statement on the matter. [5768/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 223, 650 and 651 together.

Details in respect of the number of social houses provided under the local authority housing programmes and by the voluntary and co-operative housing associations in 2005 are not yet available. My Department is compiling and collecting these statistics. However, details are available for the nine months from January to September 2005 in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library and also on the Department's website at *www.environ.ie*.

Departmental Staff.

224. **Ms Shortall** asked the Taoiseach 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. [4953/06]

The Taoiseach: Staff in my Department can join the Civil Service travel pass scheme at any time during the year. Applications are processed monthly.

Decentralisation Programme.

225. **Mr. Kenny** asked the Taoiseach if, in respect of decentralisation proposals that are relevant to his Department, he has satisfied himself that sufficient numbers of staff at Secretary General and assistant secretary level are willing to decentralise; and if he will make a statement on the matter. [5022/06]

226. **Mr. Kenny** asked the Taoiseach if the secretary general of his Department has consulted officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5037/06]

The Taoiseach: I propose to take Questions Nos. 225 and Nos. 226 together.

There are no proposals to decentralise any part of my Department or any of the bodies under its aegis. None of the officers at assistant secretary level in my Department has expressed an interest in decentralising.

Departmental Expenditure.

227. **Mr. Ring** asked the Taoiseach if, in respect of each of the non-Civil Service advisers who are employed by his Department, he will confirm the salary they were each paid in 2005; their expenses and travel or subsistence payments in 2005; and the travel undertaken by these staff in 2005. [5133/06]

The Taoiseach: The non-Civil Service advisers who are employed by my Department are as follows:

[The Taoiseach.]

Name	Title	Salary 2005*
		€
Gerry Hickey	Programme manager and special adviser	203,014
Gerard Howlin	Special adviser	120,117
Úna Claffey	Special adviser	120,117
Brian Murphy	Special adviser	90,753
Katherine Bulbulia	Programme manager to Tánaiste	142,108
John Lahart	Special adviser to Minister of State and Chief Whip	75,036
Pádraig Slyne	Special adviser, with responsibility for co-ordination between all Ministers of State	59,786

*Salaries as per Department of Finance circulars 15/05 and 24/05.

Payments made to non-Civil Service advisers in 2005 in respect of T&S expenses and details of travel undertaken.

Name	Amount received in 2005	Details	Date
	€		
G. Hickey	248.60	Washington	March 2005
G. Howlin	120.66	London	December 2004
U. Claffey	1,061.18	Brussels	December 2004
		Brussels	March 2005
		Bulgaria and Poland	February 2005
		Galway	May 2005
		Belfast/Donegal	April 2005
		Madrid	April 2005
		Brussels	June 2005
		Luxembourg and Berlin	June 2005
		Moscow	May 2005
K. Bulbulia	2,111.44	Kilkenny	October 2004
		Carlow	November 2004
		New York	November 2004
		Waterford	January 2005
		Kildare	February 2005
		Kilarney	April 2005
		Cork	April 2005
		Waterford	June 2005
		Waterford	November 2005
J. Lahart	3,054.69	Mileage claims for various trips	January and February 05
		Derry and Belfast	February-March 05
		Mileage Claims for various trips	April, May and June 05
		Mileage claims for various trips	August 05
B. Murphy	Nil	P. Slyne	Nil

Some of the above payments include travel and subsistence payments in respect of travel undertaken by non-civil servant advisers in late 2004. Travel and subsistence payments are made at the appropriate Civil Service rates in respect of certified official travel and subject to the usual Civil Service regulations which apply in respect of travel and subsistence.

Commemorative Events.

228. **Mr. Kenny** asked the Taoiseach if it is intended to hold a national day of commemoration in respect of the Great Famine; if his attention has been drawn to the national committee for Famine commemoration proposal to have same on the last Sunday in May; and if he will make a statement on the matter. [5169/06]

The Taoiseach: The 150th Anniversary of the Great Famine was commemorated by the Government in 1995. I am satisfied that the Famine is commemorated on an ongoing basis in many different ways. For example, in the Cobh Heritage Centre, in Rowan Gillespie's Famine memorial at Custom House Quay and in many

other localities. In addition, in the context of State and official visits to countries with large Irish communities, often resulting from the emigration of the Famine years, the opportunity is taken whenever possible to include an appropriate act of remembrance in the official programme.

I am of the view that there has been a significant and appropriate commemoration to date of the Famine and its impact on Ireland and the Irish people. I am satisfied that remembrance and commemoration of the Famine will continue to occur on many appropriate occasions.

Computerisation Programme.

229. **Ms Shortall** asked the Taoiseach if he will arrange for the Attorney General's website to be updated to include all 2004 and 2005 Acts and, in particular, statutory instruments. [5812/06]

The Taoiseach: Since the mid-1990s, the Office of the Attorney General has prepared, and updated on an ongoing basis, an electronic Irish Statute Book, which includes the full text of all Acts, statutory instruments and chronological tables published since 1922 on its website. The office has also published the Statute Book in CD-ROM format. The website gives the documentation up to the end of 2003 and the office is making arrangements to have this brought up to June 2005 in respect of Acts and statutory instruments and to the end of 2004 in respect of chronological tables. A new CD-ROM is also being prepared and it and the updated material on the website should be available by mid-March 2006.

At the office's suggestion, a group was established last year to look at the issue of producing statutory instruments in a common electronic format as, in the past, delay has been experienced in collating statutory instruments prepared by Government Departments and other agencies. Should statutory instruments be produced in such a format, it would allow the website to be updated with new material sooner than can be done at present. The office is examining its future strategy in respect of the Statute Book. In respect of pre-1922 legislation, the office is preparing an electronic database which will list the Acts of a public and general nature which remain in force. It is hoped to make this database accessible to the public.

Health Service Allowances.

230. **Mr. Carey** asked the Tánaiste and Minister for Health and Children when cheques will reissue to a person, details supplied, in Dublin 11; and if she will make a statement on the matter. [5202/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the supplementary welfare allowance scheme, which is administered on behalf of the Department of Social and Family Affairs by the Health Service Executive. 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.

Homeless Persons.

231. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the funding made by her Department to provide assistance to homeless people here; the total of all such funding in each of the years 2002, 2003, 2004 and 2005; and if she will make a statement on the matter. [5421/06]

Tánaiste and Minister for Health and Children (Ms Harney): Since 2000, the Department of Health and Children has provided €32.4 million additional funding to the Health Service Executive towards the implementation of Homelessness — An Integrated Strategy. This funding has been spent on meeting the in-house care costs associated with accommodation for homeless adults along with developing new designated services for homeless adults who are not ready or able to avail of mainstream services, including the development of primary care services in hostels and day services such as dental, general practitioner, nursing, chiropody, alcohol detox and counselling. In addition, outreach teams and dedicated mental health teams have been established with the aim of linking people who are homeless into mainstream services.

Cumulative total spending on homeless adult services

Year	€ million
2000	1.3
2001	8.9
2002	18.4
2003	21.0
2004	26.1
2005	30.2
2006	32.2

Foster Care.

232. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children the number of children that were in foster care for which a payment is being made to their foster families in 2004 and 2005; and if she will make a statement on the matter. [5688/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The latest available statistics from the child care interim dataset show that 4,016 children were in foster care in

[Mr. B. Lenihan.]

2003. My Department has asked the Health Service Executive to provide me with the figures for 2004 and 2005 and as soon as they are received, I will forward them to the Deputy.

Infections Diseases.

233. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the medical treatment in the line of prescribed drugs that is available to patients infected with the HIV virus; the reason some patients do not receive any prescribed drugs at all; and if she will make a statement on the matter. [4954/06]

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. 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.

234. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason the dental treatment for a person, details supplied, in County Wexford is not being covered by the Health Service Executive; if the work can be done by the local health centre; and if she will make a statement on the matter. [4966/06]

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.

Hospital Services.

235. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the services available to expectant mothers in early pregnancy units in Tullamore and Portlaoise Hospitals; the figures available outlining the number of cases dealt with in each hospital in the past three years; her plans to improve this valuable service; and if she will make a statement on the matter. [4971/06]

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.

Cancer Screening Programme.

236. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if the national cancer strategy, submitted by the national cancer forum, has made recommendations for the introduction of colorectal cancer screening; the age group to which this may apply; and if she will make a statement on the matter. [4974/06]

Tánaiste and Minister for Health and Children (Ms Harney): I received a strategy for cancer control in Ireland 2006 from the chairman of the national cancer forum last month. The strategy makes recommendations in respect of the criteria for decisions on the introduction of population-based screening, including colorectal screening. I am examining the strategy with a view to bringing the proposals to Government. I expect to have the strategy published in March.

Health Services.

237. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position in respect of the case of a person, details supplied, in County Meath and the role of two social workers. [4976/06]

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.

Accident and Emergency Services.

238. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason there was a crisis at Beaumont Hospital accident and emergency department on 4 February 2006; the reason patients were lying on trolleys and chairs; and if this matter will be resolved. [4977/06]

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 inves-

tigated and to have a reply issued directly to the Deputy.

Health Services.

239. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding a complaint, details supplied; and if she will make a statement on the matter. [4978/06]

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 the matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

240. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person, details supplied, in Dublin 9; and if she will work with them on this matter. [4979/06]

241. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the criterion for a person going into a private or a public nursing home, the subvention and costs; and if advice will be given to a person, details supplied. [4980/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 240 and 241 together.

The cost of care in a private nursing home is a private matter between the nursing home operators and the patient involved. The nursing home subvention scheme was introduced in 1993 to give some financial assistance towards the cost of private nursing home care. It was never intended that the scheme would subsidise the full costs of private nursing home care. As the applicant for subvention would be subject to a means assessment, the results would vary from person to person. As a result, the costs of private nursing homes will differ from place to place and it would not be possible, therefore, to say what the exact costs of private care would be for any individual.

In respect of costs in a public nursing home, section 53 of the Health Act 1970, as amended by the Health (Amendment) Act 2005, provides, *inter alia*, for the levying of a charge where inpatient services have been provided for a period of not less than 30 days or for periods aggregating not less than 30 days within the previous 12 months. In this regard, charging of patients in long-term care commenced on 14 July 2005, which was after the expiration of 30 days after the regulations were signed.

The regulations, in keeping with section 53 of the Health Act 1970, as amended, have provided for two different classes of persons on whom charges can be levied. Class 1 refers to people in receipt of inpatient services on premises where nursing care is provided on a 24-hour basis on those premises. In this case, a weekly charge can be levied of €120 or the weekly income of that person less €35, whichever is the lesser. Class 2 refers to people in receipt of inpatient services on premises where nursing care is not provided on a 24-hour basis on those premises. In this situation, a weekly charge can be levied of €90 or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the lesser.

These regulations provide for the maximum charge to be levied on either class of person. The Health Service Executive has the power to reduce or waive a charge on the grounds of undue hardship. Under Section 1(*b*) of the Health (Amendment) Act 2005, the Health Service Executive can examine a person's overall financial situation in view of the person's reasonable expenditure with regard to themselves or their dependants, if any.

The management and delivery of health and personal social services are the responsibility of the Health Service Executive under the Health Act 2004. It is a matter for the executive, based on its own legal advice and taking into account the individual circumstances as well as the service being provided, to make a decision on any charges levied.

The charging for long-stay care under the Health (Amendment) Act 2005 is being implemented by way of the Health (Charges for In-Patient Services) Regulations 2005. These regulations were signed on 14 June 2005 and reinstated charges for inpatient services and provided for the levying of a charge in respect of the maintenance of persons in receipt of inpatient services. The regulations were prepared following extensive consultation with the Health Service Executive and others.

The circumstances of an individual relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to reply directly to the Deputy.

Health Services.

242. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children, further to Question No. 832 of 29 September 2004, when a person, details supplied, in County Clare will be called for orthodontic treatment; and if she will make a statement on the matter. [4987/06]

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.

Nursing Home Charges.

243. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of people who have received the *ex gratia* payment following the illegal nursing home charges controversy; the cost of the scheme to date in 2006; and if she will make a statement on the matter. [4999/06]

Tánaiste and Minister for Health and Children (Ms Harney): The *ex gratia* payment scheme refunded fully eligible persons who were wrongly charged for publicly funded long-stay residential care and who were alive on 9 December 2004. Those qualifying under the scheme were paid up to a maximum of €2,000 and 10,798 persons have received an *ex gratia* payment to date at a cost of €20.819 million. The payments made under this scheme will be incorporated into repayments made under the national repayment scheme and the national scheme will capture any outstanding *ex gratia* payments due.

Hospital Accommodation.

244. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason a person, details supplied, in Dublin 5 and their neighbours are been forced to seal their back doors backing on to Beaumont Hospital; and if this disruption will end. [5004/06]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Act 2004 the Health Service Executive has responsibility for the management and delivery of health and personal social services, including services provided at Beaumont Hospital. While the Deputy's question does not specifically relate to the provision of a health service, my Department has requested the parliamentary affairs division of the executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

245. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the reason for the delay in carrying out a cochlear implant for a person, details supplied, in County Cork; and if she will make a statement on the matter. [5010/06]

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 have a reply issued directly to the Deputy.

Departmental Investigations.

246. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if a person, details supplied, has completed their aspect of the independent external inquiry into the death of a person at Monaghan General Hospital on 14 October 2005; and if she will make a statement on the matter. [5018/06]

247. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if a person, details supplied, has completed and presented their report into the circumstances surrounding the death of a person at Monaghan General Hospital on 14 October 2005 to her and the Health Service Executive; and if she will make a statement on the matter. [5019/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 246 and 247 together.

Following the death of Mr. Patrick Walsh in Monaghan Hospital on 14 October 2005, the Health Service Executive commissioned Mr. Patrick Declan Carey, a consultant surgeon at Belfast City Hospital and an honorary senior lecturer at Queen's University, and Professor John Monson, Professor of Surgery, University of Hull, to carry out an independent and external review. The executive has advised my Department that the review has commenced with an anticipated completion date of late March-April 2006.

Medicinal Products.

248. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if the early treatment cancer drug herceptin is licensed for use here; if same is available on the GMS; the cost per patient of this drug; and if she will make a statement on the matter. [5020/06]

Tánaiste and Minister for Health and Children (Ms Harney): This product was approved throughout the European Union in 2000 for the treatment of non-early stage breast cancer in patients who satisfy the criteria outlined in the licence. It is available for use in this country under these circumstances. The use of medicinal products outside the licence indication would generally be exceptional and decided case by case. The product concerned is a hospital-only

medicinal product and is not therefore reimbursable under the GMS schemes.

The information requested by the Deputy in relation to the cost per patient of this product is not readily available. This aspect of 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 the matter investigated and a reply issued directly to the Deputy.

Decentralisation Programme.

249. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if, in respect of decentralisation proposals that are relevant to her Department, she has satisfied herself that sufficient numbers of staff at Secretary General and assistant secretary level are willing to decentralise; and if she will make a statement on the matter. [5023/06]

250. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the Secretary General of her Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if she will make a statement on the matter. [5038/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 249 and 250 together.

My Department is not one of the Departments earmarked for decentralisation under the Civil Service decentralisation programme. Therefore, the issue of staff at Secretary General and assistant secretary level wishing to decentralise with my Department does not arise.

In 2004, the Department of Finance requested each Secretary General or head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage.

I can confirm that the Secretary General of my Department consulted assistant secretaries regarding decentralisation. However, I do not consider it appropriate to indicate the individual preferences of officers at this level in this Department but I am confident that there will be a sufficient cadre of people at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out over the coming years.

Health Services.

251. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in arranging an appointment for a person, details supplied, in County Carlow; if a response will be expedited from the Health Service Executive regarding this matter; and if she will make a statement on the matter. [5054/06]

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 have a reply issued directly to the Deputy.

State Property.

252. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children her plans for the use of a property, details supplied; the outcome of meetings held with local residents; the timeframe for action in the case; and if she will make a statement on the matter. [5060/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): 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.

253. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the progress in respect of the development of a property, details supplied, in County Carlow as a European centre of excellence for the treatment and care of people with autism; if the report is available following the consultation process; if funding will be made available to action the report and to provide the service at this location; and if she will make a statement on the matter. [5061/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): This property has transferred to the ownership of the Health Service Executive, south eastern area. Therefore 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

[Mr. T. O'Malley.]

to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

254. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the support service in place for a patient of St. Canice's Hospital, Kilkenny, details supplied; and if she will make a statement on the matter. [5062/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Infectious Diseases.

255. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the progress made by her Department to date in 2006 relative to the issues raised regarding MRSA by the group MRSA and families; if the submission made by representatives of this group to the Oireachtas Joint Committee on Health and Children has been examined or acted upon; if the work of a doctor (details supplied) in the UK regarding the control of MRSA in hospitals and the community will be examined to determine the assistance here; if the doctor will be consulted by her Department or the Health Service Executive; her views on the rise of MRSA cases; and if she will make a statement on the matter. [5063/06]

Tánaiste and Minister for Health and Children (Ms Harney): Following from my meeting with the group MRSA and Families, I wrote to Professor Drumm, chief executive of the Health Service Executive, HSE, on the issues raised by the relatives and victims of MRSA at our meeting. In relation to the communication of information to patients infected with MRSA, my Department understands that the HSE intends to issue a direction to hospitals on this matter. The HSE is reviewing the national policy on hospital visiting times with a view to issuing revised guidance to hospitals. With regard to the discharge from hospital of patients with MRSA, the HSE is considering how best to ensure that good practice and the proper procedures are followed in all such cases.

This year Ireland will participate in the Hospital Infection Society's Prevalence Survey of Health Care Associated Infections to be carried out in the United Kingdom and Ireland. The survey will provide the Department and the HSE with accurate and comparable data on the prevalence of health care associated infections, including MRSA, in acute hospitals in Ireland. The data gathered from hospitals can also be used to compare with similar data being obtained in England, Scotland, Wales and Northern Ireland.

The publication of the revised SARI Guidelines on the Control and Prevention of MRSA in Hospitals and in the Community, the clean hands campaign, the national hygiene audits and the development of national standards in relation to infection control and hospital hygiene are some of the measures aimed at bringing about change in the hospital system. The HSE has announced that the second national hygiene audit of acute hospitals will commence in February and will assess the extent of the improvements made at hospital level since the publication of the first audit report.

It is now a matter for the HSE to continue to develop and implement the necessary strategies needed to ensure the effective control of health care associated infections. My Department has requested the parliamentary affairs division of the executive to reply directly to the Deputy in relation to the work undertaken in the UK by the doctor mentioned.

Cancer Support Services.

256. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the amount which was allocated from her Department to the Health Service Executive south east towards a designated transport system for cancer patients who have to travel from the south east to other centres; if a report was presented by the group appointed by her Department to assess the needs in this area as to the type of specialised transport solutions required if that report will be actioned; if there is a designated oncology ward at Waterford Regional Hospital; if so, if that ward is capable of dealing with the number of patients involved; if home care packages for the terminally ill in the south east are being funded by her Department and the Health Service Executive; when a comprehensive cancer treatment service will be provided in the south east; and if she will make a statement on the matter. [5064/06]

Tánaiste and Minister for Health and Children (Ms Harney): The national service plan 2006 of the Health Service Executive provides a commitment to develop proposals to support patients who have to travel long distances to access specialist services, with particular focus in 2006 on those travelling for radiotherapy treatment. I approved this plan in December and it was laid before both Houses of the Oireachtas earlier this month. I made available an additional €9 million to the executive for developments in cancer services in 2006, *inter alia*, to facilitate better access to radiation oncology services, including dedicated transport arrangements. The Deputy's question also relates to the management and

delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

257. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will ensure that appropriate home help hours are allocated in the case of a person (details supplied) in Dublin 8; and if an investigation of the case will be expedited with a view to providing the service required. [5065/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

258. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the treatment required by a person (details supplied) in County Kilkenny can be provided under the treatment purchase fund; the reason for such a delay and the action being taken to reduce the waiting list; and if she will make a statement on the matter. [5066/06]

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 have a reply issued directly to the Deputy.

Health Service Funding.

259. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive funding for the Laois Centre for Independent Living was withdrawn within hours of a verbal complaint by the programme manager regarding the misuse of funds by a company director; the reason the Health Service Executive has asked the same company director to investigate these allegations; the further reason the Offaly Centre for Independent Living is now investigating the Laois Centre for Independent Living; and if she will make a statement on the matter. [5101/06]

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 a reply on this issue sent directly to the Deputy.

Health Services.

260. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the reason the parents of a person (details supplied) in County Wexford have been told that they will not be eligible for attention for five years. [5103/06]

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.

261. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the details of the post mortem of a person (details supplied) in a hospital; if the clinician who carried out the post mortem referred the whole body or certain organs to another hospital for examination as sometimes happened according to the recently published Madden report; and if she will make a statement on the matter. [5107/06]

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.

262. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if a hospital could inform a person (details supplied) in County Louth where their daughter was buried; and if she will make a statement on the matter. [5108/06]

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. My Department has requested the parliamentary affairs division of the executive to

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arrange to have this matter investigated urgently and to have a reply issued directly to the Deputy.

Organ Donation.

263. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the proposals she has or is proposing to deal with matters raised in correspondence supplied; and if she will make a statement on the matter. [5113/06]

Tánaiste and Minister for Health and Children (Ms Harney): The annual organ donor awareness campaign, which is organised by the Irish Donor Network and administered by the Irish Kidney Association, highlights the necessity for organ donation generally. The campaign, which is supported by my Department, highlights the need for organ donors by promoting the carrying of a organ donor card.

There are two systems that can be used to ascertain an individual's wishes on organ donation: the opt-in system and the opt-out system. The former system, which operates here, requires that the specific consent to donation of each person, or their relatives, be obtained before organs or tissues are removed. The opt-out system presumes that all citizens consent to donation unless they have specifically expressed a wish to the contrary.

The practice here is that, even when a person has indicated his or her willingness to donate organs by way of carrying an organ donor card, or a driving licence marked accordingly, the consent of the next of kin is always sought. Even where opt-out systems are in operation, the relatives of the deceased are approached as part of the donor screening process to seek a medical history of any high-risk behaviour. Thus, the relatives will always be aware that a donation is being considered and can register an objection to the donation.

The European Commission is considering the question of a directive in respect of organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union and it is expected that this report will inform decisions regarding the development of a legislative framework in this area.

In the context of increasing the number of donor organs available for transplant, the Health Service Executive has been asked by the Department to undertake a review and analysis of the factors that impact on organ procurement and retrieval rates in hospitals around the country.

Health Services.

264. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo has not been assessed for home help; and when they first requested this service. [5114/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Procedures.

265. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the position regarding the independent review of the procedure of symphysiotomy in hospitals here in the 1940s and 1950s as announced on 1 October 2003. [5115/06]

267. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the promised counselling and free health service for the victims of the procedure of symphysiotomy practised in hospitals here in the 1940s and 1950s. [5117/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 265 and 267 together.

My predecessor, the Minister, Deputy Martin, met the Survivors of Symphysiotomy, SOS, group in late 2003 and agreed that a range of measures would be put in place to support the group.

My Department is advised by the Health Service Executive, HSE, that the following is the position with regard to the services now in place. The former health boards and the relevant voluntary hospitals appointed liaison officers, who met and continue to meet with patients who have undergone symphysiotomy to discuss their health care needs. Independent clinical advice is available, on request, through the liaison personnel, to patients who have undergone symphysiotomy. This has already been availed of by a number of members of SOS and appropriate follow-up has been arranged. An assessment service for patients was established at Cappagh Hospital, Dublin. This service is provided by a multi-disciplinary team which undertakes an assessment of patients, following which, recommendations for care pathways are discussed with individual patients. Medical cards have been granted, based on medical grounds, to SOS patients who do not have such eligibility. The HSE has recently issued replacement medical cards that contain a unique patient identifier that is designed to allow for the fast-tracking of patients requiring hospital appointments and-or treatments. The provision of certain non-GMS items recommended for patients by their GP and-or consultant will continue and the pharmacist-supplier will be reimbursed by the

HSE. In addition, medical expenses related to symphysiotomy may be refunded, where necessary, to patients in respect of medication-private treatments required to address the effects of symphysiotomy. Applications for home help and modifications are dealt with on an individual basis and applications are fast-tracked, where necessary. Independent counselling services are available to patients where requested. Information packs have been made available to general practitioners and relevant health care personnel.

I met the chairperson of the SOS group and a representative of the HSE on 17 January 2006. The chairperson expressed satisfaction with regard to progress made to date. Regarding the matter of a review, I advised that my predecessor, the Minister, Deputy Martin, had been exploring the idea of engaging an expert from abroad to advise on the practice of symphysiotomy and that it did not prove possible to source such a person who would be acceptable to the various interests.

It is evident from the foregoing that considerable progress has been made in putting in place a comprehensive range of support services for patients who have undergone symphysiotomy. The HSE will continue to oversee the provision of necessary support services for this patient group.

Medical Cards.

266. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare did not qualify for a medical card or a general practitioner visit card; and if she will make a statement on the matter. [5116/06]

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.

Question No. 267 answered with Question No. 265.

Nursing Home Charges.

268. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children the position regarding the nursing home national repayment scheme where persons have applied for reimbursement of costs of a parents stay in a hospital (details supplied) in County Dublin and have heard nothing. [5123/06]

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.

269. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if a report will be requested from the Health Service Executive regarding the complaint of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [5124/06]

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.

270. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the procedures which are in place to ensure that multiple sclerosis sufferer's here are provided with access to leading edge, ethical treatment overseas. [5134/06]

272. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the treatments available to multiple sclerosis and other sufferers of degenerative diseases here; her plans to bring in newer forms of ethically sound treatments such as umbilical cord stem cell therapy; if a temporary case could be made for those multiple sclerosis sufferers assessed as being suitable for treatment; and if she will make a statement on the matter. [5136/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 270 and 272 together.

Multiple sclerosis, MS, is an inflammatory disease of the central nervous system, CNS, that is, the brain and spinal chord. Predominantly, it is a disease of the white matter. White matter is made up of nerve fibres which are responsible for transmitting communication signals both internally within the CNS and between the CNS and the nerves supplying the rest of the body.

In people affected by MS, patches of deyelination appear in random areas of the CNS white matter. Depending on which areas of the CNS are

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affected and how badly they are damaged, the type and severity of symptoms can vary greatly. There are many treatments available for MS, depending on the patient's symptoms. These vary from Interferon to chemotherapeutic agents such as azathioprine and cyclosporine. Corticosteroids can also be used in the treatment of MS. Many other drugs are used, depending on individual symptoms, for example, neurogenic pain may require treatment with carbameazepine, which is an anti-convulsent, and symptoms of depression or anxiety may require treatment with an anti-depressant. Other drug treatments may be required, depending on the symptoms experienced by the individual patient.

A recent development in MS treatment is the production of new therapies based on embryonic stem cell research. These treatments are at a very early and experimental stage and have not yet been licensed for use. Introduction of these treatments in the future will depend on the evidence base for their effectiveness and their safety.

Responsibility for the provision of services to people with multiple sclerosis and sufferers of degenerative diseases is a matter for the Health Service Executive under the Health Act 2004. My Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

271. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if the treatment purchase scheme will cover some or all of the costs for umbilical cord based stem cell therapy for multiple sclerosis sufferers (details supplied); if not, her plans to do so; and if she will make a statement on the matter. [5135/06]

Tánaiste and Minister for Health and Children (Ms Harney): The National Treatment Purchase Fund, NTPF, was established as one of the key actions for dealing with public hospital waiting lists arising from the 2001 health strategy. The NTPF is used for the purpose of treating public patients who have been waiting longest for surgery. It is not intended to expand the remit of the NTPF to funding the type of treatment referred to by the Deputy.

Question No. 272 answered with Question No. 270.

Medical Inquiry.

273. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children, further to an Adjournment debate in 2005 seeking a review of the circumstances of the death of a person (details supplied), the reason the Mental Health Commission has referred the case back to the Health Services Executive; the further reason a review has not taken place; and if she will make a statement on the matter. [5137/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I have been informed by the Mental Health Commission that the Inspector of Mental Health Services reviewed the documentation on the circumstances surrounding the death of the person concerned. The Mental Health Commission then requested the Health Service Executive to arrange a review of the case by suitably qualified medical personnel, which should include a consultant in emergency medicine. The details of this review are a matter for the Health Service Executive. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

The Mental Health Commission has been in contact with the husband of the deceased to inform him of the current situation.

Hospital Waiting Lists.

274. **Mr. Blaney** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the public waiting list to see a rheumatologist at Letterkenny General Hospital is five years; her plans to ease this waiting list; and if she will make a statement on the matter. [5141/06]

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 Staff.

275. **Ms Harkin** asked the Tánaiste and Minister for Health and Children her plans to ensure adequate training for existing staff to enable a roll-out of digital hearing aids to clients nationwide. [5148/06]

276. **Ms Harkin** asked the Tánaiste and Minister for Health and Children her plans to recruit the necessary extra staff that will be required to ensure an effective service in the allocation and ongoing monitoring of digital hearing aids to clients nationwide. [5149/06]

277. **Ms Harkin** asked the Tánaiste and Minister for Health and Children her plans to set up a training facility here for audiologists. [5150/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 275 to 277, inclusive, together.

There are no plans at present to set up a training facility here for audiologists.

The Deputy may wish to note the large increase in the number of audiologists employed in the public health system in the past decade. The relevant numbers are set out in the following tables.

Audiologists (all grades) by Health Service Executive Area

Health Service Executive — Area	31/12/1997	30/09/2005	Increase	% Increase
Eastern	3.2	17.2	14.0	
Midland	1.0	4.5	3.5	
Mid-Western	0.0	2.9	2.9	
North-Eastern	0.0	3.0	3.0	
North-Western	1.9	8.0	6.1	
South-Eastern	1.0	7.2	6.2	
Southern	1.6	6.2	4.6	
Western	2.0	5.4	3.4	
Total	10.7	54.4	43.7	410%

Audiologists by Grade

Grade	31/12/1997	30/09/2005	Increase	% Increase
Audiological Scientist			3.99	
Audiological Scientist, Senior			2	
Audiologist	10.66	20.76		
Audiologist, Chief			12.82	
Audiologist, Senior			14.8	
Total	10.66	54.37	43.71	410%

Source: Health Service Personnel Census

Health Services.

278. **Ms Harkin** asked the Tánaiste and Minister for Health and Children her views on extending the grant that is already available for adults to access digital hearing aids to children, until such time as a complete service is in place. [5151/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I assume the Deputy is referring to the treatment benefit scheme run by the Department of Social and Family Affairs. My Department has no plans to develop such a scheme for children. However, under the Health Acts, the Health Service Executive, HSE, is required to provide a health examination and treatment service for children under the age of six and also an examination and treatment service for pupils attending a national school. These services include audiology services. The relevant legislation also requires the HSE to make aural appliances available in respect of defects noted in the course of these examinations.

279. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the way in which the doctor on call has access to patients' details when they arrive at the home as a stranger to an elderly sick patient; and if she will make a statement on the matter. [5152/06]

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.

Cancer Screening Programme.

280. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Tipperary has been waiting for results from a smear test since October 2005. [5153/06]

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

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Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Housing Aid for the Elderly.

281. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application under the housing aid for the elderly for a person (details supplied) in County Clare; and if she will make a statement on the matter. [5160/06]

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. This includes responsibility for the provision of the housing aid scheme for the elderly, on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

282. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application under the housing aid for the elderly for a person (details supplied) in County Clare; and if she will make a statement on the matter. [5165/06]

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. This includes responsibility for the provision of the housing aid scheme for the elderly, on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Insurance.

283. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the reason for her decision to press ahead with risk equalisation; and if she will make a statement on the matter. [5180/06]

284. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to statistical information which details the number of persons expected to return to the public health system in the event of health insurance prices rising as a result of risk equalisation; and if she will make a statement on the matter. [5181/06]

285. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to expert advice given to Government which acknowledges that any levy imposed on current private health insurance operators will deter new market entrants, thereby restoring the State monopoly; and if she will make a statement on the matter. [5182/06]

286. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the proposals developed for the Joint Committee on Health and Children regarding risk equalisation when she took the decision to implement risk equalisation; and if she will make a statement on the matter. [5183/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 283 to 286, inclusive, together.

On 23 December 2005, I made the decision that the commencement of risk equalisation transfers between insurers in the market was necessary having carefully considered the report submitted by the Health Insurance Authority and the subsequent representations made by insurers in the market. I did so in accordance with the provisions set out in the risk equalisation scheme and in the Health Insurance Acts, having regard to the best overall interests of health insurance consumers.

There is widespread support in this country, reflected in the decisions of the Oireachtas, for applying community rating to health insurance. Under community rating subscribers pay the same amount for similar cover throughout their lives. Risk equalisation is a necessary mechanism to support a community rated health insurance market and provision for risk equalisation has been part of the regulatory framework for health insurance since the enactment of the Health Insurance Act 1994. The risk equalisation scheme, 2003, having been affirmed by this House, took effect from 1 July 2003. The scheme had previously been submitted to the European Commission which, in May 2003, found that the scheme is justified, given the open enrolment, community rating and lifetime cover requirements that apply in our health insurance market.

The Deputy refers to expert advice received by the Government which he says states that risk equalisation transfers will deter new market entrants, thus restoring the State monopoly. The Health Insurance Acts specifically provide for competition to be taken in to account. They state that the best overall interests of health insurance consumers includes the need to maintain the application of community rating across the market for health insurance and to facilitate competition between undertakings.

I am satisfied that the decision made to commence risk equalisation was the correct one and

the question of reviewing it does not arise. I do not consider that it would be appropriate at this time to enter into further details in relation to the matters raised given that they are before the courts.

Health Services.

287. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the target period for arranging a consultant appointment to follow up an eye defect identified in a primary school by examination; if either her Department or the Health Service Executive has a system in place for monitoring the performance against this standard; and if her attention has been drawn to the shortcomings in certain parts of Dublin's northside where a wait of well over a year elapses between the identification of a defect and a follow up consultation. [5185/06]

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.

Hospital Services.

288. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the position regarding the provision of x-ray facilities at a hospital (details supplied) in County Mayo; and if she will make a statement on the matter. [5195/06]

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 Expenditure.

289. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the amount spent by the Health Service Executive and its predecessor health boards on leased or rented premises here in each year since 2002; and if she will make a statement on the matter. [5199/06]

290. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of premises rented or leased here by the Health Service Executive in its various regions; the costs of renting or leasing each of the premises; the person to whom these amounts were payable; the type of contract entered into in each case; and if she will make a statement on the matter. [5200/06]

305. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the premises rented or leased here by the Health Service Executive in its various regions which have remained unused; the annual expenditure on these premises; the cumulative expenditure on such premises since 2000; and if she will make a statement on the matter. [5411/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 289, 290 and 305 together.

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 the matter investigated and to have a reply issued directly to the Deputy.

Special Educational Needs.

291. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children her plans to provide special educational and occupational needs for a person (details supplied) in County Louth; and if she will make a statement on the matter. [5201/06]

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.

292. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the steps she intends to take to reduce waiting lists for occupational therapists in County Clare as there are 600 people waiting for this service; and if she will make a statement on the matter. [5203/06]

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.

Care of the Elderly.

293. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if an ombudsman will be appointed for the old and the disabled; and if she will make a statement on the matter. [5204/06]

Minister of State at the Department of Health and Children (Mr. S. Power): There are no plans to appoint an ombudsman for older people or persons with a disability.

Health Service Allowances.

294. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason the domiciliary care allowance has not been approved in the case of a person (details supplied) in County Carlow; and if a response will be expedited. [5220/06]

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.

Services for People with Disabilities.

295. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to core funding for community employment staff supporting essential services (details supplied); and if she will make a statement on the matter. [5355/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In the Estimates for 2006, which were recently published, significant additional funding was included for the improvement of health services for people with disabilities.

As part of this provision, funding is being made available to address core under-funding and core staffing issues in services provided by the non-statutory sector. The Health Service Executive will be asked to allocate this funding on an equitable basis, having regard to the needs of people with disabilities. I expect that the executive's consideration of these needs will take into account those services which are currently staffed through community employment schemes.

Hospital Services.

296. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when she intends to amalgamate the catering section of Ennis General Hospital with that in St Joseph's Hospital, Ennis; when the catering kitchen in Ennis General Hospital will be closed; and if she will make a statement on the matter. [5369/06]

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.

Cancer Screening Programme.

297. **Ms McManus** asked the Tánaiste and Minister for Health and Children further to her statement of 7 February 2006, the amount of the additional €9 million allocated to the Health Service Executive for cancer services which will be dedicated to the cervical screening programme; the amount of the additional €9 million allocated for cancer services which will be dedicated to BreastCheck screening programme; and if she will make a statement on the matter. [5401/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department made available an additional €9 million to the Health Service Executive for the development of cancer services in 2006 including the continuation of preparations for a national cervical screening programme. The Deputy's question concerning the allocation of funds 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.

My Department is making available €13.693 million this year to BreastCheck, a statutory body, to cover the costs of current services and to continue the national roll out to the southern and western regions. This includes €2.3 million for the expansion and is over and above the €9 million allocated to the executive.

Hospital Staff.

298. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the regional health regions where there is a consultant with responsibility for palliative care; when each of those consultants were appointed; and the reason one region does not have such an appointment. [5402/06]

Minister of State at the Department of Health and Children (Mr. S. Power): This question was previously raised by the Deputy on 18 October 2005, under PQ Reference 29155/05. As previously advised in the reply for PQ Reference

2915/57/05, this related to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. The HSE has again been requested to reply direct to the Deputy as a matter of urgency.

Health Services.

299. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the cost funding supplied by her Department for hospice care support in each health region in each of the past five years; and the reason there is a discrepancy in funding between those regions. [5403/06]

Minister of State at the Department of Health and Children (Mr. S. Power): This question was previously raised by the Deputy on 18 October, 2005 under PQ Reference 29156/05. As previously advised in the reply for PQ Reference 29156/05, this related to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. The HSE has again been asked to reply to the Deputy as a matter of urgency.

300. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the funding available from her Department for the Irish Hospice Foundation for each of the past five years; and the staff numbers to which these funds relate for each of those years. [5404/06]

Minister of State at the Department of Health and Children (Mr. S. Power): This question was previously raised by the Deputy on 18 October 2005, under PQ Reference 29157/05. As previously advised in the reply for PQ Reference 29157/05, a once-off grant of €55,000 was provided to the Irish Hospice Foundation from this Department's capital allocation in 2003 towards the establishment of an information centre.

In relation to the further information requested by the Deputy, this related 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. I understand that a reply was sent to the Deputy on 5 January 2006 by the Health Service Executive.

301. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the location of each palliative care unit funded by her Department; the year each was established; the funding provided in each of the past five years; and the staff numbers in those units. [5405/06]

Minister of State at the Department of Health and Children (Mr. S. Power): This question was previously raised by the Deputy on 18 October 2005 under PQ Reference 29158/05. As previously advised in the reply for PQ Reference 29158/05, this related 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. I understand that an interim reply was sent to the Deputy on 7 February 2006 by the Health Service Executive.

Hospitals Building Programme.

302. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the timescale for the closure of Our Lady of Lourdes Hospital, Drogheda, by the Health Service hospital north east and for the construction of a new hospital to replace it; and if she will make a statement on the matter. [5408/06]

303. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if consideration will be given to sites at St. Joseph's Hospital, Ardee, or St. Brigid's Hospital, Ardee, as possible locations for the new replacement hospital for Our Lady of Lourdes Hospital, Drogheda; and if she will make a statement on the matter. [5409/06]

304. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if consideration has been given to the new location of the replacement hospital for Our Lady of Lourdes Hospital, Drogheda (details supplied); the sites that are being considered; and if she will make a statement on the matter. [5410/06]

306. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the interim developments on the existing site of Our Lady of Lourdes Hospital, Drogheda, to ensure that a safe service will be provided by the hospital pending the development of a new replacement hospital; and if she will make a statement on the matter. [5412/06]

307. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the range of new services that the Health Service Executive north east is proposing to provide at the new replacement hospital for Our Lady of Lourdes Hospital, Drogheda (details supplied); and if she will make a statement on the matter. [5413/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 302 to 304, inclusive, 306 and 307 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.

Question No. 305 answered with Question No. 289.

Questions Nos. 306 and 307 answered with Question No. 302.

Health Services.

308. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the medical and hospital services that are provided to refugee and asylum seekers; and if she will make a statement on the matter. [5414/06]

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. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

309. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the capital proposals she has received from the Health Service Executive for the redevelopment of St. Vincent's Hospital, Dungarvan, County Waterford; the capital funding her Department is providing to the Health Service Executive in 2006 to carry out the redevelopment of St. Vincent's, Dungarvan; her views on whether the facilities at St. Vincent's, Dungarvan are totally unsuitable to provide required care and services to older people; and if she will make a statement on the matter. [5415/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have recently received the 2006 Health Service Executive capital plan from the executive. The proposed development at St. Vincent's, Dungarvan, is in the plan and I will revert to the executive as soon as possible on the plan submitted.

My Department does not provide funding to the HSE for its capital programme; that is provided by the Exchequer following decisions by Government on the appropriate Estimates for the executive. The Deputy will appreciate that I cannot comment on individual elements of the plan at this stage.

Hospital Services.

310. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of delayed discharges in hospitals in the north east region; and if she will make a statement on the matter. [5447/06]

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.

Hospital Staff.

311. **Mr. English** asked the Tánaiste and Minister for Health and Children the ratio of doctors to beds available for patients in Our Lady's Hospital, Navan; and if she will make a statement on the matter. [5448/06]

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.

Patient Statistics.

312. **Mr. English** asked the Tánaiste and Minister for Health and Children the breakdown of birth asphyxia cases in the Health Service Executive north east region; and if she will make a statement on the matter. [5451/06]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is set out in the table below. Data are derived from the hospital in-patient enquiry, HIPE, system which records information on each episode of hospitalisation in publicly funded acute hospitals.

Number of Newborns with a Diagnosis of Birth Asphyxia in the HSE North Eastern Region 2004

Condition	Number
Severe Birth Asphyxia (With Neurological Involvement)	5
Mild / Moderate Birth Asphyxia (Without Neurological Involvement)	33
Unspecified Birth Asphyxia	6
Total	44

Notes:

(i) Data refer to newborns with an area of residence of Cavan, Louth, Monaghan or Meath and a diagnosis code of ICD-9-CM 768.5 [Severe Birth Asphyxia], 768.6 [Mild/Moderate Birth Asphyxia] or 768.9 [Unspecified Birth Asphyxia].

(ii) This table is based on Hospital InPatient Enquiry (HIPE) data received to end of January 2006.

Health Services.

313. **Mr. English** asked the Tánaiste and Minister for Health and Children the funding provided by the Health Service Executive for radiotherapy services in the north east; and if she will make a statement on the matter. [5453/06]

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.

Community Care.

314. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of public home stay beds which have been opened in the County Meath area since October 2004; and if she will make a statement on the matter. [5454/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

315. **Mr. English** asked the Tánaiste and Minister for Health and Children if the continuing waiting time for extra access to speech and language therapy in Meath will be addressed; and if she will make a statement on the matter. [5455/06]

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.

Medical Cards.

316. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in Dublin 3 will be granted a medical card; and if the maximum support will be given. [5456/06]

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 Services.

317. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo cannot get an appointment for evaluation and treatment by the paediatric occupational therapy service with the Health Service Executive. [5464/06]

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.

Pharmacy Regulations.

318. **Mr. Healy-Rae** asked the Tánaiste and Minister for Health and Children if the income earned from rental of a commercial unit owned by a general practitioner or a group of general practitioners situated within or adjacent to the medical surgery or practice of the same general practitioners would be constituted as beneficial interest and therefore be in breach of section 21(1) of the community pharmacy contractor agreement 1996; and if she will make a statement on the matter. [5465/06]

Tánaiste and Minister for Health and Children (Ms Harney): The opening or establishment of all new pharmacies is governed by the Pharmacy Acts, subject to restrictions imposed by non-pharmacy legislation such as the Planning Act. There is no statutory prohibition on the provision of pharmacy and general practitioner services from co-located facilities. However, a community pharmacy contract may not be awarded to a pharmacy in which a GP practising in the area has a beneficial interest.

The Government has accepted the recommendation of the pharmacy review group that there be no beneficial interest between prescribing and dispensing.

The Government approved in June 2005 the drafting of two pieces of pharmacy legislation. It is proposed to deal with most of the recommendations of the pharmacy review group in the

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second pharmacy bill, dealing with pharmacy practice and the delivery of pharmaceutical services.

Water Fluoridation.

319. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if, in view of the fact that the US scientist invited to present the case against fluoridation has strongly criticised her Department for being unfamiliar with the relevant science and thus unable to answer the 50 reasons to oppose fluoridation as promised, and has further accused her Department of hiding behind anonymous postings on her Department's website, her views on whether the policy is unsustainable and must be reversed; and if she will make a statement on the matter. [5467/06]

320. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the steps she will take to protect children by ordering an immediate suspension of fluoridation in view of the ridicule heaped on the Irish expert body on fluorides and health, whose 2005 action plan was endorsed, in a recent medical journal and in particular its failure after three years to implement a single one of the recommendations of the fluoridation forum and considering the growing evidence of an epidemic of dental fluorosis in children. [5468/06]

Tánaiste and Minister for Health and Children (Ms Harney): I intend to take Questions Nos. 319 and 320 together.

As the Deputy is aware, a forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum report's main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

The forum also concluded that water fluoridation has been very effective in improving the oral health of the Irish population, especially children, but also adults and the elderly; the best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at one part per million, human health is not adversely affected; and dental fluorosis, a form of discolouration of the tooth enamel, is a well recognised condition and an indicator of overall fluoride absorption, whether from natural sources, fluoridated water or from the inappropriate use of fluoride toothpaste at a young age.

The forum recognised that there has been some increase in the incidence of mild dental fluorosis in Ireland. Most dental fluorosis is only detectable by dentists. The forum considered the US scientist's document entitled "50 reasons to oppose fluoride". The forum undertook to respond to the document but the report of the forum was finalised before it had time to respond. My Department agreed, at the request of the forum, to commission the oral health services research centre in Cork to compile a response to the document "50 reasons to oppose fluoride". The comprehensive response to that document was published on my Department's website on 4 May 2005.

The forum recommended fluoridation be reduced to 0.8 parts per million in the Irish context. An expert body was established to oversee the implementation of its recommendations. The Irish expert body on fluorides and health was set up in 2004. The terms of reference for the expert body are to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research, including new emerging issues, on all aspects of fluoride and its delivery methods as an established health technology and as required; and to report to the Minister on matters of concern at his/her request or on its own initiative.

As part of its work in implementing the recommendations of the forum, the expert body examined what amendments may be required to the regulations, under the Health (Fluoridation of Water Supplies) Act 1960, to give effect to the forum's recommendation to reduce the level of fluorides in the public water supplies. The expert body has reported its findings to my Department. My Department is taking the necessary steps to introduce a new regulation.

Fluoridation of public water supplies as a public health measure is accepted as being one of the most effective methods of ensuring against tooth decay. The World Health Organisation, WHO, recommends fluoridation of public water supplies and has stated that "fluoridation of water supplies, where possible, is the most effective public health measure for the prevention of dental decay". The WHO has also stated that "people of all ages, including the elderly, benefit from community water fluoridation".

The recently completed survey of oral health, covering the whole island of Ireland, shows that fluoridation of public water supplies continues to be a highly effective public health measure. It has contributed significantly to a major reduction in the incidence of dental decay in the Republic of Ireland.

The research carried out shows that, at the levels of usage of fluoride in the Republic of Ireland's public water supply, there is no risk to health. Fluoridation of the water supply in Ireland is currently limited to a maximum of one part per million. In this regard, the WHO and the European Union have identified that fluoridation levels below 1.5 parts per million are acceptable.

Benchmarking Awards.

321. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children when benchmarking will be awarded to home helps operating in County Kildare. [5481/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department approved the payment of the increases due to all eligible grades under the final phase of parallel benchmarking, which included home helps, on 3 June 2005. As the payment of salaries to personnel within the Health Service Executive, is a matter for the executive my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Organ Donation.

322. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that sufficient resources are being invested by her Department in the promotion of awareness of donor cards; her proposals to increase awareness; if she will provide figures as to the number of people at present in possession of donor cards; and if she will make a statement on the matter. [5489/06]

Tánaiste and Minister for Health and Children (Ms Harney): The annual organ donor awareness campaign, which is organised by the Irish donor network and administered by the Irish Kidney Association, highlights the necessity for organ donation generally. The campaign, which is supported by my Department, highlights the need for organ donors by promoting the carrying of a organ donor card. My Department has been providing financial support to the donor awareness campaign for a number of years. The grant in 2005 amounted to €500,000.

There are two systems that can be used to ascertain an individual's wishes on organ donation: the opt-in system and the opt-out system. The former system, which operates in this country, requires that the specific consent to donation of each person, or their relatives, be obtained before organs or tissues are removed. The opt-out system presumes that all citizens consent to donation unless they have specifically expressed a wish to the contrary.

The practice in this country is that, even when a person has indicated his or her willingness to donate organs by way of carrying an organ donor card, or a driving licence marked accordingly, the consent of the next-of-kin is always sought.

Even where opt-out systems are in operation, the relatives of the deceased are approached as part of the donor screening process to seek a medical history of any high-risk behaviour. Thus, the relatives will always be aware that a donation is being considered and can register an objection to the donation.

The European Commission is considering the question of a directive in respect of organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union and it is expected that this report will inform decisions regarding the development of a legislative framework in this area.

In the context of increasing the number of donor organs available for transplant, the Health Service Executive has been asked by the Department to undertake a review and analysis of the factors that impact on organ procurement and retrieval rates in hospitals around the country.

The Irish Kidney Association, which organises the annual donor awareness campaign, has advised the Department that it does not have figures for the number of people who carry a donor card.

Health Services.

323. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children her proposals to make funding available for the provision of a psychiatric day care centre for Kenmare County Kerry which is a priority development by management of the Kerry mental health services; and if she will make a statement on the matter. [5490/06]

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.

Hospital Services.

324. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an application for maximum subvention will be approved in the case of a person (details supplied) in County Kilkenny; if they will be granted a bed in Thomastown hospital, County Kilkenny, as an interim measure; and if a response will be expedited. [5492/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

325. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children her views on an application for the enhanced nursing home subvention by a person (details supplied) in County

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Galway; and if she will make a statement on the matter. [5513/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

326. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the position regarding an application for the nursing home subvention by a person (details supplied) in County Galway; and if she will make a statement on the matter. [5514/06]

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. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

327. **Mr. Ring** asked the Tánaiste and Minister for Health and Children her plans regarding people in County Mayo who do not have access to the winter initiative scheme; if the scheme is being used in the county; and if she will make a statement on the matter. [5548/06]

328. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the counties which are currently availing of the winter initiative scheme. [5549/06]

329. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the amount which was provided in 2005 for the winter initiative scheme. [5550/06]

330. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason the winter initiative scheme is not being used in County Mayo. [5551/06]

331. **Mr. Ring** asked the Tánaiste and Minister for Health and Children what the winter initiative scheme is; when same was introduced; the way in which it operates, its yearly cost to date in 2006; and if she will make a statement on the matter. [5552/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 327 to 331, inclusive, together.

The winter initiative was an investment package introduced in 2000, which was designed to relieve some of the pressures experienced by accident and emergency departments. This investment package was designed to fund additional nursing home places for patients who were occupying acute hospital beds, the recruitment of additional emergency medicine consultants, aids and appliances for older people and the development of medical assessment and minor injury units at emergency departments in the eastern region.

The additional funding provided under the winter initiative was allocated to health boards and the additional services outlined above were put in place. The funding is now part of the Health Services Executive's expenditure estimate for 2006. Accordingly, my Department has requested the parliamentary affairs division of the executive to reply directly to the Deputy.

Grant Payments.

332. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the extenuating circumstances relative to the case of a person (details supplied) in County Kilkenny will be examined with a view to granting them a motorised transport grant; and if the process will be expedited. [5663/06]

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.

333. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if home help will be provided in the case of a person (details supplied) in County Kilkenny; if a response will be expedited in their case; and if she will make a statement on the matter. [5689/06]

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.

Hospital Staff.

334. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the arrangements which are in place within the Health Service Executive to allow freedom of movement for employees who are appointed and permanent to transfer to similar positions within the system but in different Health Service Executive regions that are occupied by staff who are in an acting capacity; the number of positions of director of nursing; if these positions are held by staff that are appointed or acting in the Health Service Executive south east region; if it is intended to advertise the positions within the Health Service Executive or through the media; and if she will make a statement on the matter. [5704/06]

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 the matter investigated and to have a reply issued directly to the Deputy.

Health Services.

335. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if there are reliefs or incentives available to persons wishing to build and open a health centre in their local area; and if she will make a statement on the matter. [5759/06]

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.

336. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children her views on the photoselective vaporisation of the prostate laser procedure using the green light laser system to treat benign prostatic hyperplasia; if her attention has been drawn to plans to introduce the system here; her views on such a system; the way it compares to the more traditional transurethral resection of the prostate; the number of cases of benign prostatic hyperplasia treated by transurethral resection of the prostate each year here since 2000; and if she will make a statement on the matter. [5810/06]

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.

My Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated urgently and to have a reply issued directly to the Deputy.

Motor Vehicle Registration.

337. **Ms Burton** asked the Minister for Finance the situation regarding foreign vehicles imported into Ireland by people working here on a temporary basis of less than six months or more than six months; and if he will make a statement on the matter. [5014/06]

347. **Ms Burton** asked the Minister for Finance the circumstances in which a person coming to work here may import a vehicle and yet not be required to register the vehicle for vehicle registration tax, road tax, car insurance here, national car test and driver testing; and if he will make a statement on the matter. [5017/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 337 and 347 together.

I am advised by the Revenue Commissioners that under section 135 of the Finance Act 1992 a vehicle, which is temporarily brought into the State by someone whose normal residence is outside of Ireland, may be exempted from the normal requirement to be registered.

Regulation 5(1) of the Temporary Exemption from Registration of Vehicles Regulations 1993, SI No. 60 of 1993, sets out the conditions which must be satisfied to gain the exemption. These include: the vehicle must be owned by or registered in the name of a person whose normal place of residence is outside Ireland; the vehicle must not be disposed of or hired out in Ireland or lent to someone who is normally resident in Ireland; the vehicle must not be driven by someone who is normally resident in Ireland, other than with the permission of the Revenue Commissioners; generally speaking, the vehicle may not be used, within Ireland, for transporting persons for reward or the transport of goods between places within Ireland.

A person is generally regarded as being normally resident in the country where he or she lives for at least 185 days in a year because of personal ties, or both personal and occupational ties. A person who lives in a country primarily for the purposes of attending a school or university or other educational or vocational establishment is not regarded as having his or her normal residence in that country. Proof of normal residence may be required by the Revenue Commissioners. The period of the exemption may generally be for not more than12 months but the Revenue Commissioners have the discretion to allow a longer period in a particular case.

[Mr. Cowen.]

The temporary exemption rules accord with article 39 of the EC Treaty which provides for the free movement of workers within member states. A reciprocal arrangement also applies to Irish residents who bring their cars temporarily to another member state.

Road tax is the responsibility of the Minister for the Environment, Heritage and Local Government, while car insurance is that of the Minister for Enterprise, Trade and Employment and the Minister for Transport, and national car testing and driver testing that of the Minister for Transport.

Child Care Services.

338. **Mr. P. McGrath** asked the Minister for Finance the funding which has been transferred from tourism projects to child care projects in the Border midland western area in each of the past five years. [5105/06]

Minister for Finance (Mr. Cowen): The European Regional Development Funds, commitment of €4.36 million for the tourism measure for the year 2005 was the only reallocation made to the faster spending child care measure within the BMW operational programme. This action was necessary to minimise the risk of loss of these funds by the application of the automatic decommitment rules for Structural Funds set out in Article 31 of Regulation EC 1260/1999, the so-called N+2 rule.

The action to reallocate the ERDF commitment was taken by the BMW regional assembly, as managing authority of the programme, with the agreement of the programme monitoring committee and my Department in fulfilment of its obligations to avoid any possible loss of Structural Funds. The action was taken following detailed consideration of the levels of project approvals and expenditure patterns under the Tourism measure of the BMW operational programme.

The transfer of ERDF from the tourism measures should not impact on tourism related projects funded under the BMW regional operation programme and the Minister for Arts, Sport and Tourism has indicated that he will make available Exchequer funds from the Vote of his Department to ensure that, notwithstanding the reallocation of the ERDF commitment, the same level of investment in the region's tourism product can be supported.

Public Transport.

339. **Mr. J. Higgins** asked the Minister for Finance if the Office of Public Works has received requests from Bus Éireann to allow bus routes from Dublin 15 to the city centre through the Phoenix Park; and the response of the Office of Public Works. [5170/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has commissioned a comprehensive traffic management study of the Phoenix Park and those routes surrounding it. The question of a bus corridor through the Phoenix Park will be considered as part of this study.

Telecommunications Services.

340. **Mr. Cuffe** asked the Minister for Finance the contractual arrangement made between a telecommunications company and his Department regarding the placement of telecommunications antennae on telecommunications masts that are in the ownership of the State, such as those adjacent to Garda stations. [5511/06]

341. **Mr. Cuffe** asked the Minister for Finance if he will provide a copy of contractual arrangements made between a telecommunications company and the Office of Public Works regarding the placement of telecommunications antennae on telecommunications masts that are in the ownership of the State, such as those adjacent to Garda stations. [5763/06]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 340 and 341 together.

Following negotiations between the Commissioners of Public Works, the Chief State Solicitor's office, the Department of Justice, Equality and Law Reform and all mobile phone operators, agreement was reached last year on the terms and conditions of standard licence agreements, which will govern all future installations of telecommunications equipment on State property and in particular on Garda telecommunication masts.

All operators who are granted a licence to install telecommunications equipment on any State property are required to comply with the same terms and conditions, including all national and EU health and safety legislation and guidelines issued by the International Commission on Non-Ionising Radiation Protection and normal planning regulations. This compliance with health and safety legislation etc., required under the licence agreement, also applies to any future relevant legislation-regulations and International Commission on Non-Ionising Radiation Protection guidelines. Licences are granted for an agreed annual fee. If additional equipment is required the fee is increased in accordance with agreed rates.

A copy of the standard licence agreement will be forwarded to the Deputy.

Drainage Schemes.

342. **Mr. Durkan** asked the Minister for Finance the position in regard to the completion of the cleaning, improvement and drainage works at the Slate river, Allenwood, County Kildare; when

the works will be completed; and if he will make a statement on the matter. [5777/06]

Minister of State at the Department of Finance (Mr. Parlon): Responsibility for maintenance of the River Slate lies with Kildare County Council. The Office of Public Works carried out drainage works at Allenwood in 2003 as agents for the local authority. There are no proposals to carry out further work.

Tax Code.

343. **Caoimhghín Ó Caoláin** asked the Minister for Finance his plans to change the tax code in order that cohabiting couples who live as a family unit are not taxed as single people. [4957/06]

Minister for Finance (Mr. Cowen): Generally speaking, the tax system treats members of cohabiting couples as separate and unconnected individuals. Each partner is a separate entity for tax purposes, therefore, tax credits, tax bands and tax reliefs cannot be transferred from one partner to the other. There are no special favourable tax arrangements for cohabiting couples with dependent children.

The working group examining the treatment of married, cohabiting and one-parent families under the tax and social welfare codes, which reported in August 1999, was sympathetic, in principle, to changes in the tax legislation to address the issues raised relating to cohabiting couples and reported that the options it set out should be considered further. However, it acknowledged in regard to the tax treatment of cohabiting couples that a key issue is whether tax law should proceed ahead of changes in the general law.

I am aware of various developments in this general area, including the consultation paper on the rights and duties of cohabitees, which was published by the Law Reform Commission in April 2004; the tenth progress report of the Oireachtas All-Party Committee on the Constitution entitled 'The Family', which was recently published, and the plans recently announced by the Minister for Justice, Equality and Law Reform to establish a working group to examine the area of civil partnerships and to prepare options on the various legislative choices available to the Government for action in this area.

I previously put on the record of the House that I would view as problematic and unwise a situation where changes in the tax code relating to the treatment of couples would set a headline in advance of developments in other relevant areas of public policy, for example, in the area of legal recognition of relationships other than married relationships. I am still of that view.

344. **Mr. Nolan** asked the Minister for Finance when a final decision will be made in relation to probate tax liability with the question of interest payments in the estate of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [5011/06]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that a signed affidavit was issued to the solicitors in this case on 8 February 2006. I have also been informed by the Revenue Commissioners that there are no outstanding issues in this case as far as they are concerned.

Motor Vehicle Registration.

345. **Ms Burton** asked the Minister for Finance the figures or an estimate regarding the number of foreign cars being imported into Ireland by people working here paying vehicle registration tax and not paying vehicle registration tax; the liabilities each class of owner and vehicle has to vehicle registration tax, road tax, car insurance here, national car test and driver testing; the number of cars and the amount of vehicle registration tax and applicable road tax paid in respect of such vehicles for each year from 1998 to date in 2006 on an annual basis; and if he will make a statement on the matter. [5015/06]

Minister for Finance (Mr. Cowen): The Deputy will be aware that responsibility for road tax, car insurance, national car test or driver testing does not lie with my Department. My reply, therefore, is in respect of vehicle registration tax only.

I am advised by the Revenue Commissioners that the information available in this regard refers to the number of cars, new and used, imported into Ireland and registered within the vehicle registration tax system. I attach a schedule giving details of gross registrations and net receipts of VRT for cars together with the total number of exemptions from VRT of new and used cars for the full calendar years 1998 to 2005 together with the applicable rates. However, in the registration process, it is not obligatory either to provide the nationality of the persons importing the vehicles or to record whether the person is working here.

As a general rule, all vehicles imported permanently into the State must register for VRT purposes within 24 hours of arrival. This rule applies equally to vehicles imported by EU and non-EU persons. However, section 135(a) of the Finance Act 1992 permits a European or other foreign registered vehicle which is temporarily brought into the State by a person established outside the State to be exempted from the requirement to register for VRT purposes for a period normally not exceeding 12 months from the date upon which the vehicle concerned was brought into the State.

There is no requirement for vehicles imported under the temporary exemption provisions to be presented to the Revenue Commissioners to avail of the relief. Documents relating to ownership, registration or bringing into the State of the

[Mr. Cowen.]

vehicle must be kept with the vehicle when it is in use in the State. When such vehicles fail to meet the conditions for temporary exemption they must be permanently removed from the State or presented for registration. The details of such vehicles are, therefore, not normally captured or held in the vehicle registration system.

The temporary exemption rules are in accordance with Article 39 of the EC treaty, which provides for the free movement of its workers within member states. The Deputy may wish to note that a reciprocal arrangement is also in place for residents of Ireland who bring cars temporarily to other member states.

The current rates of VRT in respect of cars is as follows:

Category	Engine	Rate
A1.	with an engine cc less than or equal to 1400 c.c.	— 22.50% of chargeable value or €315, whichever is greater.
A2.	with an engine cc exceeding 1400 c.c. and not exceeding 1900 c.c.	— 25.00% of chargeable value or €315, whichever is greater.
A3.	with an engine cc exceeding 1900 c.c.	— 30.00% of chargeable value or €315, whichever is greater

Rates applicable since 1998 are as follows:

1998 (1 January 1998)

0-2500 cc Rate of Duty — 22.5%

> 2500 cc Rate of Duty — 28%.

1999 (1 January 1999)

0-1400 cc Rate of Duty — 22.5%

1401-2000 cc Rate of Duty — 25%

> 2000 cc Rate of Duty — 30%.

2003 (1 January 2003)

0-1400 cc Rate of Duty — 22.5%

1401-1900 cc Rate of Duty — 25%

> 1900 cc Rate of Duty — 30%.

Tax Code.

346. **Ms Burton** asked the Minister for Finance the number of checks which have been carried out by Revenue and Customs and Excise in respect of foreign vehicles imported here; if they are fully compliant with Irish vehicle registration tax, road tax and insurance obligations; the number of such checks which have identified non-compliant vehicles; the figures for each year from 1998 to date in 2006 on an annual basis; and if he will make a statement on the matter. [5016/06]

Minister for Finance (Mr. Cowen): As the Deputy is aware, responsibility for road tax and insurance obligations do not lie with my Department. My reply is therefore only in respect of vehicle registration and vehicle registration tax.

In order to fully answer the Deputy's question, it is helpful to outline the legislative nature of vehicle registration tax, and the conditions governing its administration and enforcement by the Revenue Commissioners. VRT is applicable at the time of registration of a vehicle in the State, rather than at the time of its arrival here. This tax was introduced in 1993 following the establishment of the Single Market, which under European Community law required the removal of all taxes and customs controls that up to then had been imposed on goods at the time of their importation from other member states. Consequently, enforcement of the law in regard to VRT takes place subsequent to the arrival here of vehicles from abroad. The law requires that under normal circumstances all foreign vehicles being brought permanently into the State must be registered for VRT purposes within 24 hours of arrival. The appropriate VRT must be paid at the time of registration unless the vehicle qualifies for relief under transfer of residence or other similar provisions.

However, under section 135 of the Finance Act 1992, a non-resident of the State is entitled to temporarily keep a foreign vehicle in the State for a period normally not exceeding one year without having to register it, or pay vehicle registration tax. Non-residents who bring vehicles into the State under this provision are not legally required to declare them to the Revenue Commissioners in order to avail of the relief. As such, Revenue has no record of the number of instances in which this exemption is availed of.

Regulation 5(1) of the Temporary Exemption from Registration of Vehicles Regulations 1993, S.I. No. 60 of 1993, sets out the conditions which must be satisfied to gain the exemption. These include that the vehicle must be owned by or registered in the name of a person whose normal place of residence is outside Ireland; the vehicle must not be disposed of or hired out in Ireland or lent to someone who is normally resident in Ireland; the vehicle must not be driven by someone who is normally resident in Ireland, other than with the permission of the Revenue Commissioners and generally speaking, the vehicle may not be used, within Ireland, for transporting persons for reward or the transport of goods between places within Ireland.

A person is generally regarded as being normally resident in the country where he or she lives for at least 185 days in a year because of personal ties, or both personal and occupational ties. A person who lives in a country primarily for the purposes of attending a school or university or other educational or vocational establishment

is not regarded as having his or her normal residence in that country. Proof of normal residence may be required by the Revenue Commissioners.

The temporary exemption rules accord with Article 39 of the EC Treaty which provides for the free movement of workers within member states. A reciprocal arrangement also applies to Irish residents who bring their cars temporarily to another member state. I am advised by the Revenue Commissioners that their officers, who are based at numerous locations around the country, carry out regular and ongoing checks to identify and deal with breaches of the VRT regulations. This applies particularly in regard to the permanent retention of unregistered vehicles in the State or in the possession of State residents. Co-ordinated national enforcement campaigns are also carried out periodically to detect infringements in this area. If a vehicle is confirmed as being in contravention of the VRT regulations it is seized and is normally released either for export on payment of a penalty or on payment of the appropriate tax and a penalty. The penalty is scaled according to the length of time the vehicle has been in the State on an irregular basis. In first encounter cases a warning is issued to the vehicle's owner to regularise its status either by registration or exportation. These warnings are followed up by subsequent checks to confirm compliance, failure of which results in seizure. Cases involving serious fraud or aggravated circumstances such as obstruction are normally prosecuted.

The following table sets out the level of VRT enforcement activity since 1998 to date. It is worth pointing out that a number of the seizures in the table below resulted from Garda activity.

VRT	1998	1999	2000	2001	2002	2003	2004	2005	2006
No. of vehicles checked	21,489	17,203	11,484	9,722	11,031	10,456	13,429	11,876	794
No. of written warnings to register issued	2,280	2,374	1,619	2,277	1,985	2,003	2,623	2,783	156
No. of vehicles seized	584	580	405	469	514	543	774	910	98
No. of convictions following prosecution	11	13	25	17	7	7	9	23	1

Question No. 347 answered with Question No. 337.

Decentralisation Programme.

348. **Mr. Kenny** asked the Minister for Finance if, in regard to decentralisation proposals that are relevant to his Department he has satisfied himself that sufficient numbers of staff at Secretary General and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5024/06]

349. **Mr. Kenny** asked the Minister for Finance if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5039/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 348 and 349 together.

In 2004 my Department requested each Secretary General-head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage.

Since then vacancies at this level are being filled by the top level appointments committee, TLAC, on the basis that the successful candidate will decentralise at the appropriate time. I do not consider it appropriate to indicate the individual preferences of officers at this level in my Department but I can say that I am confident that there will be a sufficient cadre at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out over the coming years.

The senior management of my Department are all actively involved in the preparation of the implementation plans for decentralisation to meet the timescale emerging from the work of the decentralisation implementation group which is co-ordinating the effort.

350. **Mr. Kenny** asked the Minister for Finance the number of posts to be filled at Secretary General and assistant secretary levels under the decentralisation plans announced in December 2003; and if he will make a statement on the matter. [5052/06]

Minister for Finance (Mr. Cowen): Up to 70 posts at Secretary General, assistant secretary and equivalent levels are due to be decentralised under the Government's decentralisation programme, including nine posts at Secretary General level.

Since the announcement of the programme, vacancies at this level, including those at Secretary General level, are being filled by the top level appointments committee, TLAC, on the basis that the successful candidate will decentralise at the appropriate time.

[Mr. Cowen.]

I am satisfied there will be a sufficient cadre at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out over the coming years.

Pension Provisions.

351. **Dr. Upton** asked the Minister for Finance the way in which and the reason the deduction by twice the rate of the old age contributory pension arises for people in receipt of the old age pension. [5089/06]

352. **Dr. Upton** asked the Minister for Finance if a person who retires before the age of 65 years, for example at 58 years, still has his entitlement to an old age pension reduced by a deduction of twice the rate of the old age contributory pension. [5090/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 351 and 352 together.

The Deputy is referring to the system of pension "integration" or "co-ordination" for public servants. This is an arrangement under which the pension entitlements of public servants on full PRSI are limited to take account of the fact that these public servants have both a social welfare pension and an occupational pension from a public service pension scheme. Integration has the effect that the reduced occupational pension, when combined with the old age contributory pension provides an overall pension which is at least as good as the pension which would have been payable if the sole source of pension were occupational pension alone.

Before July 2005 "integration" was based on a formula which deducted twice the rate of the contributory old age pension, OACP, from the pensionable income used in the calculation of their occupational pension. After that date, a revised formula was introduced to improve the position of public servants on lower income. The introduction of the new formula was agreed by the Government as part of public service pension reforms and implementation of the bulk of the recommendations of the Commission on Public Service Pensions. The new formula does not make a flat rate deduction of twice the OACP, but applies a weighted deduction to give relatively greater benefits to lower-paid staff.

This new approach to the calculation of the occupational portion of pensions is as follows: 1/200th of the pensionable remuneration below three and one third times OACP — currently €33,621.31 — multiplied by the total number of years reckonable service plus, where applicable, 1/80th of the pensionable remuneration in excess of three and one third times OACP multiplied by the total number of years of reckonable service.

Persons appointed to the public service can not, as a general rule be paid superannuation benefits until they have reached 65 years of age — 60 years of age in the case of people appointed before April 2004. While there are exceptions to this general rule, such exceptions tend to apply in the security services — Garda, Army, Prison Service — where members can retire at earlier ages. In 2005, following on the recommendation of the Commission on Public Service Pensions, a scheme was introduced — backdated to 1 April 2004 — to allow public servants, who meet certain conditions, to retire with immediate payment of actuarially reduced superannuation benefits. The actuarial reduction is designed to ensure that the overall cost of the pension benefits are not increased.

In any situation, regardless of age, where an integrated pension is being calculated the entitlement to old age contributory pension is taken into account by the application of the revised formula to reckonable remuneration.

353. **Mr. Hayes** asked the Minister for Finance the position with effect from the 1 January 2004 on the fact that PRSI and tax relief apply to all pension contributions as raised by a person (details supplied). [5126/06]

Minister for Finance (Mr. Cowen): I understand PRSI relief is only available for employees who pay pension contributions to occupational pension schemes, retirement annuity contracts, or personal retirement savings accounts. Relief is not available to the self-employed. PRSI is first and foremost a matter for the Minister for Social, Community and Family Affairs.

Disabled Drivers.

354. **Mr. Allen** asked the Minister for Finance when a decision will be made on an application for a person (details supplied) in County Cork for the VAT concessions for vehicles suitable for persons suffering from a disability. [5154/06]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that they do not have any record of an application by the relevant person under the disabled drivers and disabled passengers (tax concessions) scheme. Therefore, I presume the Deputy is referring to the preliminary application process for a primary medical certificate under the scheme. This certificate is issued by the senior medical officer of the appropriate area of the Health Service Executive on the basis of a clinical assessment.

The medical officer is independent in this function and I do not have any role in that application process.

Tax Collection.

355. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be furnished with a P21 statement; and if he will make a statement on the matter. [5161/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a form P21 balancing statement for 2005 issued to the taxpayer on 8 February 2006.

Decentralisation Programme.

356. **Mr. J. Breen** asked the Minister for Finance his plans to lift the cap on the number of Revenue staff in Ennis, County Clare, in an effort to address the considerable number of staff awaiting transfer to Ennis (details supplied). [5205/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there were 151 posts in Ennis prior to the announcement of the current decentralisation programme.

The decentralisation programme for the civil and public service announced by the Government in December 2003 required Revenue to establish new offices in Newcastle West, Listowel and Kilrush.

In giving effect to the Government's decision on decentralisation, Revenue has taken the opportunity to consolidate and relocate some functions within the mid-west region. Arising from this, a decision was made to relocate the Clare Revenue district from Limerick to Ennis and the VAT repayments functions from Ennis to Limerick.

The net effect of this decision is that, in addition to establishing the required presence in the three locations defined under the decentralisation plan, an additional 20 posts will be moved to Ennis. There are no plans to move any further functions to Ennis in the foreseeable future.

It should also be borne in mind that under the current decentralisation programme some 660 Civil Service posts will be transferring to the mid-west region, including 50 Civil Service posts to County Clare, and staff have the option of applying under the CAF arrangements.

Economic and Monetary Union.

357. **Mr. Quinn** asked the Minister for Finance if his attention has been drawn to the fact that the foreign exchange reserves in the balance sheet of the Central Bank have been reduced from €6 billion at the end of 2001 to €641 million at the end of 2005; the set of liabilities against which the now mainly euro-denominated assets of the bank are held; and if he will make a statement on the matter. [5359/06]

358. **Mr. Quinn** asked the Minister for Finance if his attention has been drawn to the fact that overall balance sheet of the Central Bank had risen to almost €33 billion in 2005 from a figure of almost €22 billion in 2001; the reason a sum of almost €12 billion has been set aside to cover other liabilities in addition to the bank notes in circulation and liabilities to other euro area residents accounts which are shown in the balance sheet at €19.1 billion; the liabilities that are covered by the sum of €12 billion; and if he will make a statement on the matter. [5360/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 357 and 358 together.

As set out in the annual reports of the Central Bank and Financial Services Authority of Ireland, the bank has restructured its foreign reserves portfolio significantly since EMU. Following the adoption of the single currency, the euro area as a whole, rather than individual participating member states such as Ireland, required external reserves for intervention purposes. In this regard, the bank transferred €425 million to the foreign reserves of the European Central Bank in January 1999 as Ireland's share — about 1% — of the ECB's pooled external assets.

Accordingly, the bank is no longer required to maintain a highly liquid portfolio, concentrated in the major global currencies, for possible use in foreign exchange intervention. This has allowed changes to be made to the composition of the bank's investment assets with a view to minimising the impact of movements in exchange rates on the value of the bank's assets given that all of its liabilities are now denominated in euro. Over the past six years, the bank has sold the bulk of its foreign currency investments and invested the proceeds in euro-denominated investments to eliminate exchange rate risk on its investment assets. These assets are held against euro banknote liabilities. The move from foreign currency to euro assets generated realised exchange rate gains of €630 million, which have been reflected in the transfer of surplus income to the Exchequer over the period.

The increase in the bank's balance sheet between 2001 and 2005 primarily reflects the €13 billion net value of the euro banknotes issued by the bank. The sum of €12 billion in other liabilities in the bank's balance sheet at the end of December 2005 principally reflects the bank's liability to other central banks of the eurosystem in respect of cross-border payments made by domestic financial institutions in euro through the trans-European automated real-time gross settlement express transfer system, TARGET, the European System of Central Banks' large-value payment system.

Tax Code.

359. **Mr. Penrose** asked the Minister for Finance if a person satisfies all the criteria to qualify for revenue job assist, from the perspective of the additional tax allowance, if he or she takes up employment with a partnership company; if the person will then qualify for the additional tax credits under the revenue job assist scheme once the job is not one of displacement; and if he will make a statement on the matter. [5362/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that although an individual may be a qualifying individual and may have taken up a qualifying employment, the Revenue job assist allowance will not be available where the qualifying individual, or his or her employer, is benefiting or has benefited under an "employment scheme" in respect of that qualifying employment.

An "employment scheme" is defined as "a scheme or programme which provides for the payment in respect of an employment to an employer or an employee of a grant, subsidy or other such payment funded wholly or mainly, directly or indirectly, by the State or by any board established by statute or by any public or local authority".

County and city enterprise boards are empowered to provide employment grants to employers by virtue of the Industrial Development Act 1995 and therefore, an employee's entitlement to the Revenue job assist allowance will be dependent upon whether the partnership company is or was in receipt of any grant, subsidy or other such payment in respect of the employment.

Where the partnership company is or was in receipt of an employment grant, subsidy or other such payment from a county or city enterprise board in respect of the qualifying employment, the Revenue job assist is not available to the relevant employee in respect of that qualifying employment.

If the Deputy has a particular case in mind, I suggest he contact the Revenue Commissioners directly with the details so that a definitive reply in relation to that case may be published.

360. **Mr. Hogan** asked the Minister for Finance his views on whether the 2% levy in respect of motor policy holders insurance should be terminated; and if he will make a statement on the matter. [5368/06]

Minister for Finance (Mr. Cowen): The 2% levy is a stamp duty that is charged on most non-life insurance premiums and is part of the normal stamp duty system. The exceptions are re-insurance, voluntary health insurance, marine, aviation and transit insurance and export credit insurance. The purpose of the non-life levy is to broaden the stamp duty base while maintaining low direct tax rates.

It is a modest charge compared with other EU member states where similar charges vary between 9% and 50%. It is a significant source of revenue to the Exchequer across all relevant categories of insurance, which is demonstrated by the yield in recent years:

Year	Yield
	€m
1997	38.7
1998	42.3
1999	48.1
2000	57.0
2001	69.1
2002	87.2
2003	99.7
2004	97.7
2005	90.8 (estimated)

I have no plans to reduce or remove it.

Inland Waterways.

361. **Mr. P. Breen** asked the Minister for Finance the number of large dams that are situated on Irish rivers together with the heights of such dams; the body responsible for their upkeep and maintenance; and if he will make a statement on the matter. [5390/06]

Minister of State at the Department of Finance (Mr. Parlon): The Minister has no official responsibility to the Dáil in relation to this matter.

Public Service Pay.

362. **Mr. Bruton** asked the Minister for Finance the way in which performance pay in the public service is structured; the people who are entitled to it; the scale on which it is set; the way in which the level of payment is linked to measures of performance; the proportion of cases where performance has been found not to warrant maximum payment; the amount awarded annually to date in 2006; and if he will make a statement on the matter. [5423/06]

Minister for Finance (Mr. Cowen): Following recommendations made by the Review Body on Higher Remuneration in the Public Sector, schemes of performance-related awards were introduced for the levels of deputy secretary and assistant secretary in the Civil Service, the deputy commissioner and assistant commissioner ranks in the Garda Síochána and the ranks of brigadier general and major general in the Defence Forces.

The schemes of awards are based on performance by reference to demanding targets. The pool for performance awards is 10% of the pay bill

for the group concerned. Within that overall limit individuals can receive payments of up to 20% of pay.

Decisions on awards are made by the Committee for Performance Awards, CPA, which includes a majority of private sector members. The main roles of the committee are to monitor the application of the scheme of performance-related awards and to bring independent judgment to bear in approving objectives for the persons covered by the scheme and in approving recommendations for awards.

Details of the procedures, the numbers covered by the schemes, the range of awards and the total amounts paid in Departments are outlined in the annual reports of the committee, available on the website *www.finance.gov.ie*. The Deputy will note from the annual reports of the CPA that it is rare for an officer to be paid the maximum award of 20%. In 2004, of the 207 persons who participated in the schemes, the maximum award was made in only three cases. The maximum award was not made in any case in 2002 or 2003. Awards for performance in 2005 have not yet been agreed.

Similar schemes of performance-related pay operate for senior grades in the health service and the local authorities. The Committee for Performance Awards in the local government sector deals with the assessment of performance for senior managers in local authorities. That committee's reports for 2003 and 2004 are available in the Oireachtas Library. Awards for 2005 have not yet been approved. A similar committee operates for senior managers in the health service but these arrangements are being adapted to reflect the establishment of the Health Service Executive.

Schemes of performance-related pay can also apply to the chief executive officers of non-commercial State-sponsored bodies and, in some cases, to the second tier of management. The review body considered that certain conditions should be in place in non-commercial State-sponsored bodies before schemes of performance-related awards were introduced for the CEOs of those bodies. Where these conditions are met, the board of the body concerned can submit a scheme to the parent Department and, subsequently, my Department for approval. These schemes are also based on the achievement of stretched targets and provide for a maximum bonus of 20% of pay. The guidelines provide that awards of between 15% and 20% should arise only in the most exceptional situations where performance has surpassed all reasonable expectations and has resulted in the achievement of a major goal of the body. Decisions on the level of payment to be awarded are the responsibility of the board of the body concerned.

Proposed Legislation.

363. **Mr. Ferris** asked the Minister for Finance if the Government will in future commit itself to supporting the European Parliament amendment which adds to the remit of the EGTC/EGCCs (details supplied); and if he will make a statement on the matter. [5426/06]

Minister for Finance (Mr. Cowen): The European Commission has the right to initiate legislation in this area and has not proposed the introduction of such an amendment. The Government will consider all proposals brought forward by the European Commission and the Presidency to amend the draft regulation.

The Government supports the introduction of the draft regulation to provide for the establishment of European groupings of territorial co-operation, EGTC. The objective of this regulation is to facilitate and promote cross-border, transnational and/or inter-regional co-operation where this has proved difficult. The EGTC will help by providing a framework within which measures to reduce these difficulties can be addressed. The EGTC will be a co-operation instrument at the community level with the aim of strengthening economic and social cohesion in the regions involved. The regulation will allow the creation of co-operative groupings in the community territory and give them legal personality. Security and regulatory powers exercised by regional and local authorities as public authorities are excluded from the regulation.

I welcome the contribution of the European Parliament to the preparation of this regulation and to the suggestions made with respect to extending its scope. Some of these suggestions have been taken on board in discussions on the regulation within the Council working group charged with its preparation. I have some reservation with respect to certain aspects of the regulation, particularly where these relate to the role of the member state in the establishment of an EGTC.

Decentralisation Programme.

364. **Mr. Walsh** asked the Minister for Finance when work will commence on the accommodation building to facilitate decentralisation to Clonakilty, County Cork; and if he will make a statement on the matter. [5520/06]

Minister of State at the Department of Finance (Mr. Parlon): Tenders have been invited for the design and construction of new offices for the Department of Communications, Marine and Natural Resources and Bord Iascaigh Mhara in Clonakilty. Following receipt and evaluation of the tenders, a preferred tenderer will be selected. The sanction of the Department of Finance will then be sought to proceed to the next stage of the process. On receipt of sanction, the preferred tenderer will be instructed to apply for planning permission. Subject to receipt of a satisfactory planning permission, a formal contract will be entered into and work will commence on site.

[Mr. Parlon.]

The Commissioners of Public Works are anxious to ensure the project will progress to construction at the earliest possible date.

Tax Collection.

365. **Mr. Howlin** asked the Minister for Finance his views on whether it is equitable that overpayments of PAYE tax may only be recovered from the Revenue Commissioners within a four-year period whereas taxpayers remain liable in perpetuity for underpayments of tax; and if he will make a statement on the matter. [5535/06]

Minister for Finance (Mr. Cowen): I will outline the current position on time limits for claiming repayments of tax. In the Finance Bill 2003, the then Minister for Finance examined the question of the entitlement of taxpayers to repayments of tax and interest with a view to introducing, in so far as practicable, a uniform scheme which was fair and reasonable for taxpayers and which took into account the position of the Exchequer. On foot of that review, a new provision was introduced in section 17 of the Finance Act 2003, which gives taxpayers a general right to a repayment of tax overpaid subject to a four-year claim limitation period. This became effective for all claims received on or after 1 January 2005. It is important to note that a corollary to the restriction to four years on the taxpayer's right to a repayment is a restriction on the Revenue Commissioners going back more than four years to assess taxpayers, except if fraud or neglect is involved and no limit applies. It is not, therefore, the position that taxpayers remain liable in perpetuity for underpayments of tax.

Flood Relief.

366. **Mr. Gregory** asked the Minister for Finance if the Office of Public Works will detail the work to be carried out to the River Tolka walls (details supplied); and when this flood alleviation work will be done. [5665/06]

Minister of State at the Department of Finance (Mr. Parlon): The upgrading of the wall on the right bank of the River Tolka downstream of Dean Swift Bridge was recommended in the final report of the River Tolka flooding study. While there was no flooding at this point in November 2002 as the present wall was high enough to prevent flooding from the 100-year flood event, the condition of the wall is poor and is complicated by the fact that the wall supports roofs to extensions and garden sheds. The OPW and Dublin City Council have concentrated their efforts to date on the high risk areas highlighted in the report. With almost all the recommendations in the high risk areas completed, those items with lesser risk can now be attended to. The OPW hopes to commence work on the wall and the associated widening of the left bank in Griffith Park in the next few months.

Tax Code.

367. **Mr. Kehoe** asked the Minister for Finance if there are reliefs or incentives available to persons wishing to build and open a health centre in their local area; and if he will make a statement on the matter. [5760/06]

Minister for Finance (Mr. Cowen): A number of tax reliefs are available for the construction of certain health facilities, including capital allowances for private hospitals, convalescent homes, private nursing homes and residential units attached to nursing homes. Various conditions have to be met for the reliefs to apply. In general, there are no reliefs available for health centres but a health centre which is located in a special tax incentive area such as a rural renewal or urban renewal area and is located in a commercial premises may qualify for relief as long as all the necessary conditions are met.

National Monuments.

368. **Mr. Durkan** asked the Minister for Finance when full restoration and improvement works will be undertaken at Connolly's Folly, Maynooth, County Kildare; and if he will make a statement on the matter. [5779/06]

Minister of State at the Department of Finance (Mr. Parlon): There is no change in the position I outlined in my response of 13 December 2005 to the Deputy's most recent question on this issue.

Flood Relief.

369. **Mr. Durkan** asked the Minister for Finance the position in regard to discussions between his Department and Kildare County Council in the matter of alleviation of flooding at Mill Lane, Leixlip, County Kildare; and if he will make a statement on the matter. [5784/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works have written to Kildare County Council to advise it of the position in respect of the Leixlip flood study. It is expected that a meeting will be arranged in the near future.

Land Reclamation.

370. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources the position regarding Dublin Bay and any proposal to infill 52 acres; and if this proposal will be rejected as a matter of priority. [4985/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): An application from Dublin Port Company for approval under the Foreshore

Acts for the proposed reclamation of an area of some 21 hectares of foreshore is before the Department of Communications, Marine and Natural Resources at present. The application must be considered in accordance with the appropriate procedures, including a process of public consultation in which it will be open to interested persons or organisations to make submission on the proposal. The proposed development will also require planning permission.

Energy Resources.

371. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the grants available to householders to install renewable energies; and his plans in this regard. [5388/06]

372. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the steps he has taken to make available domestic grants for sustainable construction solution as outlined in budget 2006. [5444/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 371 and 372 together.

The multiannual financial package announced in budget 2006 provides funding for renewable energy schemes totalling €65 million for the period between 2006 and 2010. The renewables package includes a grant aid package for the domestic sector, which will provide for individual grants to install renewable energy technologies including wood pellet boilers, solar panels and geothermal heat pumps. The Department of Communications, Marine and Natural Resources, in conjunction with Sustainable Energy Ireland, is developing the necessary detailed measures to roll out the new programme, which will be announced shortly. Under Sustainable Energy Ireland's research, development and demonstration programme, House of Tomorrow, financial support is directed at encouraging developers of new-build and refurbishment housing to incorporate design and technology features which deliver significantly superior energy and carbon dioxide performance. Some 55 housing demonstration projects and 2,650 homes have benefited from the programme to date. The technologies installed include condensing boilers in 1,708 homes, solar water heating in 531 homes, heat recovery ventilation in 381 homes, ground source heat pumps in 176 homes and wood pellet boilers in 308 homes.

Postal Services.

373. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources his views on issuing a stamp in honour of Michael Davitt to whom Ireland and especially the west owes a tremendous debt in view of the fact that 2006 is the centenary of his death; and if he will make a statement on the matter. [5847/06]

382. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources his views on asking An Post to issue a commemorative stamp in honour of Michael Davitt from Straide as 2006 is the centenary of his death. [5487/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 373 and 382 together.

In March 2005, the Government approved the issue of a commemorative stamp in honour of Michael Davitt as part of the 2006 special and commemorative stamp programme. The design of the stamp was approved by the Government in December 2005 and the stamp is due to be issued in September.

Decentralisation Programme.

374. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if, in relation to decentralisation proposals that are relevant to his Department he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are willing to decentralise; and if he will make a statement on the matter. [5025/06]

375. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5040/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 374 and 375 together.

The Secretary General of the Department of Communications, Marine and Natural Resources has consulted all the assistant secretaries and the deputy secretary general about decentralisation. The issue will be kept under review as the programme for decentralisation proceeds. All new posts at assistant secretary level have a specific requirement for the appointee to be based in the decentralised location. I am satisfied that these arrangements will continue to be adequate.

Broadband Infrastructure.

376. **Mr. McGuinness** asked the Minister for Communications, Marine and Natural Resources the level of grants approved in the past ten years to private companies, local and regional authorities for the provision of broadband infrastructure; if his Department monitors or audits the take-up of the service relating to the grants given to determine if the State is getting value for

[Mr. McGuinness.]

money for the investment; his views on the level of unlit fibre throughout the country and the poor back haul in certain locations; his plans to overcome the problems in the market and to encourage a greater take-up of the service; his plans regarding connectivity relative to the last mile; and if he will make a statement on the matter. [5068/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Grants amounting to €117,581,623 have been approved by the Department of Communications, Marine and Natural Resources for the provision of broadband infrastructure over the last ten years. Some €34,800,952 has been given to private sector projects and €82,780,671.62 has been given to public sector projects.

Following a poor response to a call for proposals from the private sector, the Government decided to address the infrastructure deficit in the regions by building high-speed, open access, carrier neutral metropolitan area networks in 120 towns and cities on a phased basis, in association with the local and regional authorities. Phase 1 of the programme has delivered fibre optic networks to 27 towns and cities so far. The networks were built on time and under budget.

The programme has been extended to a further 94 towns in various locations nationwide — these metropolitan area networks are due for completion during 2006 and 2007. They will allow the private sector to offer world-class broadband services at competitive costs. The Government has approved €80 million for the roll-out of this phase of the metropolitan area network programme. The Department continually reviews all aspects of the regional broadband programme, including monitoring the usage of fibre and the provision of backhaul.

The management services entity, e-Net, won the contract to manage, operate and maintain the local authority metropolitan area networks under phase 1. Activity has started on the networks with several customer contracts being signed by e-Net, including arrangements for backhaul. Twenty of the 23 metropolitan area networks handed over to e-Net have been lit to date. Details of the contracts are commercially sensitive and are a matter for e-Net. The contractual obligations are set out in the concession agreement that was agreed by the Department of Communications, Marine and Natural Resources and e-Net. Tight controls exist within the agreement to closely monitor e-Net's performance closely. E-Net formally reports to the Department on a quarterly basis and is obliged to file various documents throughout the contract term dealing with its activities. E-Net also publishes an annual set of accounts.

The Government recognises that supply issues are being addressed under the regional broadband programme, but demand issues require focused attention. The Department recently publicised a discussion paper on this area, which is out for public consultation at *www.dcmnr.gov.ie/Communications+Development/Broadband+demand+report.htm*. Feedback on the demand paper is welcomed. The Department invites interested parties to send their comments by email to *information@broadband.gov.ie* by Wednesday, 1 March 2006. Local loop unbundling is mandated by a European Council regulation. Responsibility for its implementation is a matter for the Commission for Communications Regulation under the Communications Regulation Act 2002 and the transposed EU regulatory framework for electronic communications networks and services.

Postal Services.

377. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the service obligations which the Government requires of An Post, for example in respect of universal delivery, the maintenance of a network of post offices and so on which would deviate from normal commercial criteria which might otherwise be applied by the business; the way in which the Government makes allowance for these requirements in setting expectations for its financial performance; and if he will make a statement on the matter. [5125/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As a commercial State company established under the Postal and Telecommunications Services Act 1983, An Post is legally obliged to be operated to generate revenues to meet all current charges, to generate a reasonable proportion of its capital requirements and to remunerate capital. The Government and the board of An Post are committed to the objective of securing a viable and economically sustainable post office network and a postal network for mail and parcel delivery attuned to the needs of its wide range of customers. An Post operates within a regulatory framework as enshrined in EU and Irish law and therefore the universal service obligation, which includes nationwide postal delivery requirements, is a statutory requirement for An Post as the designated universal service provider. This is set out in SI 616 of the European Communities (Postal Services) Regulations 2002. Furthermore, the regulations establish the area of the postal market solely reserved for universal service providers and this reserved area assists An Post in fulfilling its universal service obligations. The area of the market for post that is reserved to An Post is postal items weighing less than 50g or costing less than two and a half times the standard tariff. In regard to the post office network, An Post has had some success in winning new business and continues to benefit from a considerable amount

of Government business, especially in the areas of social welfare payments and savings products.

Harbours and Piers.

378. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his proposals to further extend the pier at Clogherhead, County Louth; and if he will make a statement on the matter. [5285/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Louth County Council, which owns Port Oriel harbour at Clogherhead, is responsible for the development of the harbour. The council's proposal for the development of Port Oriel involved the extension of the pier with two options, an extension of 75m and an extension of 105m. Approval was given in 2004 to proceed with the 75m option with a total cost project of €6.5 million, which was subsequently increased to €8.55 million. The Department is providing grant aid of 75% towards the total cost under the fishery harbours development programme. I visited the site at Clogherhead on 9 November 2005 and met local fishing representatives. Louth County Council has recently requested additional funding to provide the 105m pier extension option at an extra cost of €2.45 million. I have allocated additional funding of €1.8 million to Louth Country Council this year for the 105m pier extension. I understand that the works will be completed this year.

Minimum Wage.

379. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that all persons working in his Department or in State or semi-State bodies under the auspices of his Department are being paid at least the minimum wage for the hours worked; and if he will make a statement on the matter. [5357/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am satisfied that my staff in the Department are being paid at least the minimum wage for the hours worked. The rates of pay for employees of State and semi-State bodies under the auspices of the Department are day-to-day operational matters for the bodies concerned and are not matters in which I have a function. The Deputy's questions about such matters should be directed at the bodies concerned.

Departmental Surveys.

380. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources if the €10,000 required to facilitate a study (details supplied) will be provided; and if he will make a statement on the matter. [5387/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): This is an operational issue for the service provider concerned. Responsibility for the regulation of electronic communication service providers rests with the independent regulator, the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002 and the regulations which transpose the EU regulatory framework for electronic communications. My Department does not have the resources required at its disposal, to facilitate the funding of the study in question.

Television Licence Fee.

381. **Mr. Kirk** asked the Minister for Communications, Marine and Natural Resources if self-catering chalets built in clusters require more than one television licence; and if he will make a statement on the matter. [5419/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The requirement to have a television licence applies to properties for which a permanent address exists. Accordingly, if each self-catering chalet is identifiable by its own address then a separate licence would be required for each property.

Question No. 382 answered with Question No. 373.

Fisheries Protection.

383. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, in view of the fact that, in 1997 the unregulated relaying of seed mussel began in Lough Foyle, the reason same was done without regard for the eco system in Lough Foyle; the precautions which were taken at that time to protect the ecosystem in Lough Foyle; the action which is currently being taken to protect the ecosystem in Lough Foyle; the reason a grant was then given for €34,500 to be relayed; the reason the oyster grounds were not mapped out before the relaying began; if his attention has been drawn to the devastating effect that this has had on oyster beds and the people who depend on them for a living; if assistance has been offered to oyster fishermen in Lough Foyle (details supplied); and if he will make a statement on the matter. [5658/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The relaying of mussel seed in Lough Foyle in 1997 took place following the discovery of a large, naturally occurring bed of mussel seed within Lough Foyle itself. Therefore, the relaying which took place at that time was internal to the lough, that is, it involved transplanting mussel seed from one location in the lough to other locations in the lough. I am

[Mr. Gallagher.]

advised by Bord Iascaigh Mhara that there was no additional loading on the primary productivity of the lough's ecosystem, and as the lough has always had a mixed fishery of bottom mussels and native oysters, that specific protection measures were not considered necessary.

With regard to the grant to which the Deputy refers, this was a scheme which was put in place by BIM in conjunction with the Foyle Fisheries Commission, following consultation with the authorities in Ireland and Northern Ireland. The objective of the scheme was to fund the gathering and recording of key tracking data, so that accurate information on quantities, growth performance and location of relayed mussel seed would be available. Therefore, the objective of the scheme was not to promote the transplantation of seed, but to involve the local fishermen in gathering data crucial for the future management of fisheries in the lough. Since then, the data has proved very valuable in gaining a more comprehensive understanding of fisheries in the lough. The full details of the grant payments are to be found in BIM annual reports. There were maps of the known oyster grounds in existence prior to the relaying of mussel seed in 1997 and these were used by local fishermen to guide the surveying process referred to above. To a large extent these maps were found to be accurate and they were successfully employed, as subsequent surveys showed that, with a few minor exceptions, there was little overlaying of oyster ground with mussel seed. The results of surveys carried out have been disseminated to all interested parties in Lough Foyle. On the basis that the output of the native oyster fishery did not altered significantly in the years after 1997, there has not been any substantive evidence to show that the relaying of seed at that time has had the devastating effect to which the Deputy refers.

The Deputy refers to a meeting held at Moville in 1997. BIM was represented at this meeting of prospective mussel seed fishermen in its capacity as an advisory agency for fisheries development. BIM advice to this group was that it might be appropriate to engage in a trial transplantation of some 5,000 to 6,000 tonnes of mussel seed within the lough. As it transpired, the bed of mussel seed found in the lough was much larger than anticipated and local fishermen decided to pursue a different course of action.

Telecommunications Services.

384. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources when the charging arrangements for special cases currently being considered by ComReg in its consultation (details supplied) will be finalised; the reason the proposed reasonable access threshold of €7,000 is so low; and if he will make a statement on the matter. [5785/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the European Communities (Electronic Communications Networks and Services)(Universal Service and Users Rights) Regulations of 2003, SI 308 of 2003, the Commission for Communications Regulation, ComReg, may specify requirements to be complied with by a designated undertaking for the provision of certain basic telecommunications services, with my consent as Minister for Communications, Marine and Natural Resources.

ComReg issued a decision notice and response to the consultation document to which the Deputy refers in September 2005, which was ComReg's document 05/70. This decision notice issued following my approval of their recommendation to me last summer that a threshold level of €7,000 for expenditure for connection to the public telephone network be deemed to be reasonable and proportionate. ComReg's recommendation followed a review, which included a public consultation undertaken by them in March of 2005 and discussions with eircom as the designated universal service obligations provider. I understand from ComReg that the number of applications received for service which would exceed the threshold of €7,000 is minimal.

Human Rights Issues.

385. **Mr. F. McGrath** asked the Minister for Foreign Affairs to raise the question on the methods of torture used in Burma's interrogation centres and prisons since March 1998 in the United Nations and at the European Union. [4984/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland has taken a consistently strong position on Burma at the United Nations and within the European Union. Together with our EU partners we avail of all opportunities to condemn the abuse of human rights and fundamental freedoms in Burma and deplore the lack of progress towards democracy. Our goal remains an end to human rights violations, the release and restoration of liberty to Aung San Suu Kyi and all other political prisoners, and the realisation of democracy, peace and prosperity for the long-suffering people of Burma.

A recently published report, entitled The Darkness We See: Torture in Burma's Interrogation Centres and Prisons, published by the Association of Political Prisoners in Burma last December, was funded by Development Cooperation Ireland last year via Burma Action Ireland. DCI has also funded a second and related report which is due to be published soon. Total funding of €6,620 for the two publications was provided to assist the Association of Political Prisoners in Burma to document and raise awareness of human rights violations in Burma.

I will continue to raise the issues in question on all possible occasions and to work for real pro-

gress in Burma. I am pleased that the UN Security Council held a briefing on the situation in Burma last December. The UN Secretary General is expected to appoint a new special representative on Burma in the near future to replace Mr. Razali Ismail who resigned at the end of last year. I hope that the new special representative and the UN special *rapporteur* on the situation on human rights in Burma, Mr. Sergio Pinheiro, will be allowed to visit Burma at an early date and to meet with all the key players there. I also welcome the fact that ASEAN, the Association of South East Asian Nations, recently announced that it would send the Malaysian Foreign Minister as an envoy to Burma.

The EU applies a range of sanctions and restrictive measures against Burma, referred to as the EU common position, which are up for renewal in April 2006. In view of the absence of any progress in Burma, Ireland will be strongly supporting the renewal of the measures for a further year.

Decentralisation Programme.

386. **Mr. Kenny** asked the Minister for Foreign Affairs if, with regard to decentralisation proposals that are relevant to his Department he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5026/06]

387. **Mr. Kenny** asked the Minister for Foreign Affairs if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5041/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 386 and 387 together.

Under the Government's decentralisation programme, the development cooperation directorate of the Department of Foreign Affairs, which is currently based in Dublin, is scheduled to decentralise to Limerick in the first quarter of 2007. The directorate is headed by a director general, at assistant secretary level.

Early in 2004, the Secretary General of the Department invited all departmental assistant secretaries to inform him if they had an interest in decentralising to Limerick with the development cooperation directorate, or elsewhere with other Departments or offices. As a result of this approach, two assistant secretaries expressed an interest in decentralising to Limerick. The post of director general of DCD has now been filled by one of those officers. No expressions of interest in decentralising with other Departments or offices have been received.

International Agreements.

388. **Dr. Upton** asked the Minister for Foreign Affairs if his attention has been drawn to the allegation that a person (details supplied) currently in a US prison was not afforded his right immediately subsequent to his arrest under Article 36 of the Vienna Convention on Consular Relations, of which Ireland and the US are ratified signatories, to be informed of his rights under that article; if his attention has further been drawn to the fact that President George W. Bush stated in a 28 February 2005 memorandum for the US Attorney General, *inter alia*, that the United States will discharge its international obligations under the decision of the International Court of Justice in Avena and that therefore US courts would now have jurisdiction to determine whether such violations might have taken place and the implications for that person's conviction and sentence if they had been; if his attention has further been drawn to communications between a person and the Irish consulate in Massachusetts through which that person seeks to have his individually enforceable rights under the Vienna Convention vindicated in court and that, had it not been for the Avena decision of the ICJ, Ireland would have been morally obliged, as Mexico had been in the Avena decision, to bring a case on his behalf to the ICJ; his views on whether, in view of the Avena decision, that same moral obligation has transferred in order that Ireland must do everything in its power to ensure that a person's rights under Article 36 of the aforementioned Vienna Convention are discharged by the US Government, even if that means supporting a person in his efforts to have such rights as have arisen under that international treaty discharged in US municipal courts; and if he will make a statement on the matter. [5147/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Department of Foreign Affairs, through the consulate general in Boston, has closely followed the case of the person mentioned by the Deputy since shortly after his arrest in 1997 and has been in regular contact with him throughout his detention. The person in question was found guilty of the first degree murder of his girlfriend on 30 April 2001 and sentenced to life imprisonment. I understand that, following his arrest, the person made a full confession and that his history of mental illness constituted his main defence at the trial. His subsequent appeal against the guilty verdict was rejected. In 2002, an attorney was appointed by the Massachusetts judicial system to lodge a fresh appeal in this case. This appeal requested a new trial on two grounds. The first was that his Vienna Convention rights had been denied, as he was not offered a telephone call to the consulate after his arrest. The second was that the testimony given as to his disturbed mental state at the time of the crime was not given

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enough weight at his original trial. In 2003, this appeal was rejected by the Supreme Court of Massachusetts. His attorney subsequently lodged a petition for *habeas corpus* at the federal court. The court dismissed the petition on the grounds that it had been lodged too late.

The Irish consul-general in Boston recently met with the defence attorney and was informed that a further petition has been lodged to the US Supreme Court on the grounds that the person in question is entitled to *habeas corpus* relief. It is not appropriate for the Department of Foreign Affairs to become directly involved in legal disputes before the courts in other countries. However, the consulate general in Boston will continue to provide all appropriate consular assistance.

Genealogical Office.

389. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the competing claims for the dukedom of Leinster; if his attention has further been drawn to the fact that the dispute concerned was prompted by the eighth Duke of Leinster (details supplied) in December 2004 in respect of which a claim was submitted through the Crown Office to prove succession, and that a competing claim has been submitted on behalf of a person claiming to be the true heir-apparent of the fifth duke, and if a dispute before the Crown Office has implications for Irish titles, property or assets; and if he will make a statement on the matter. [4975/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Responsibility for genealogical matters reside with the genealogical office, a branch of the National Library of Ireland. The national library is an autonomous body under the aegis of my Department and responsibility for operational matters relating to genealogy is for the board of the National Library of Ireland.

Article 40 of the Constitution requires all citizens to be held equal before the law, and prohibits the conferral of titles of nobility by the State. Consequently, the genealogical office provides no recognition for such titles as those referred to in the Deputy's question. My Department has no role to play in property rights.

Decentralisation Programme.

390. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism if, with regard to decentralisation proposals that are relevant to his Department he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5027/06]

391. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5042/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 390 and 391 together.

In 2004 the Department of Finance requested each Secretary General or head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage. Since then vacancies at this level, including in this Department, are being filled by the top level appointments committee on the basis that the successful candidate will decentralise at the appropriate time.

I do not consider it appropriate to indicate the individual preferences of officers at this level in this Department but I am confident that there will be a sufficient cadre at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out over the coming years. The senior management of my Department are all actively involved in the preparation of the implementation plans for decentralisation to meet the timescale emerging from the work of the decentralisation implementation group which is co-ordinating the effort.

Sports Capital Programme.

392. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the number of applications submitted from counties Roscommon and Leitrim respectively under the sports capital programme 2006; the amount of funding sought in each county; and if he will make a statement on the matter. [5088/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November 2005. The closing date for receipt of applications was 20 January 2006. Under the 2006 programme 28 applications seeking funding totalling €3,776,258 were received from County Roscommon while 28 applications seeking funding totalling €3,676,670

were received from County Leitrim. All applications received before the deadline are currently being processed and will be evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Arts Funding.

393. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism the reason work has stopped at a house (details supplied) in Dublin 5; and the further reason rats and pigeons are causing a major health hazard to the local community. [5095/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Northside Arts and Cultural Centre Limited was allocated a grant of €380,921, of which €190,460 was drawn down, in 1996 by the former Department of Arts, Heritage, Gaeltacht and the Islands under the 1994-99 cultural development incentives scheme to redevelop the property in question as an arts and cultural centre. This company had leased the property from the Eastern Health Board. In March 2001, Northside Arts and Cultural Centre advised the Department that it could not proceed with the project. It is understood that the leasehold on the property has been surrendered to the owner and that property maintenance, upkeep and so forth are a matter for the Health Service Executive. My Department is not responsible for the property.

Tourism Industry.

394. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism the breakdown of the projected figure of 8.5 million visitors here for 2006; the specifics of the multifaceted strategy to be adopted to accelerate the promotion of the regions of Ireland overseas; the projected spend of the €5 million allocated for this purpose; and if he will make a statement on the matter. [5127/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Given that the State received just about 7 million visitors in 2005, the figure of 8.5 million clearly does not represent a visitor growth target for the State for 2006. Most likely the Deputy is referring to the all-Ireland visitor growth target set by Tourism Ireland for 2006. To support Tourism Ireland in its work, I have secured an unprecedented level of Exchequer resources for tourism development — €134 million for 2006 — representing an increase of 7% on 2005. This investment will enable the tourism agencies — Fáilte Ireland and Tourism Ireland — to deliver, in full, their ambitious plans for 2006 which will include a strong emphasis on addressing regional spread.

The increased marketing funding — up almost €5 million on 2005 — will enable both agencies to step up significantly their game on the marketing front this year. In securing the largest ever allocation of €40 million for the tourism marketing fund, I have specifically asked the agencies to focus on stimulating regional spread, promoting greater usage of special interest products, capitalising on air access developments and enhancing their e-marketing capabilities. Specific details of Tourism Ireland's marketing strategy for 2006 were announced in December last at a major event involving the industry and media, which I attended, and are freely available on the agency's website. Fáilte Ireland's calendar of promotions is similarly available on its website. As I said at the December launch, marketing campaigns of this nature are best left to the experts in the field and I am confident that the two agencies will deploy this funding to optimal effect.

Visitors

	2005	Target Change	2005	Forecast Change	2006	Target Change
	(000's)	%	(000's)	%	(000's)	%
Great Britain	4,904	3	4,881	2.5	5,027	3
Mainland Europe	1,777	7.8	1,922	16.6	2,082	8.4
North America	1,072	7.8	994	0	1,079	8.5
New and Developing Markets	386	13	342	0	376	10
All Island Total	8,139	5.1	8,139	5.1	8,565	5.2

395. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism the estimated number of holidays trips abroad in 2006 by Irish people; the estimated spend involved; and if he will make a statement on the matter. [5128/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As the Deputy will be aware, I have no remit in relation to outbound tourism. As such, neither my Department nor its agencies has any estimates of the number of Irish people travelling abroad or their expenditure.

It is clear from CSO figures that outbound tourism in the last three years has grown at a higher rate than inbound tourism. Ireland's econ-

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omic prosperity, particularly in comparison with that of our main tourism markets, coupled with the greatly improved access to foreign tourist destinations has undoubtedly contributed to this trend. However, it is also clear that our prosperity has fuelled significant growth in domestic tourism. CSO figures over the last five years show domestic holiday trips have increased by 32% and expenditure is up by over 50% over that period.

Against a backdrop of intense international competition for Irish holidaymakers, Fáilte Ireland — which is responsible for promoting the home market — has significantly stepped up its home holiday campaigns in recent years, backed by significant Exchequer resources.

396. **Mr. Kenny** asked the Minister for Arts, Sport and Tourism the measures which will be taken in 2006 to address the clear disparity of visitors among regions here; the schedule of actions to be taken and promotions undertaken to address this problem; and if he will make a statement on the matter. [5131/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I previously advised the House, individual actions and measures relating to tourism promotion or development in so far as specific areas of the country are concerned are day-to-day functions of the State tourism agencies. Arising from the "New Horizons" policy review, national tourism policy has seen a particular emphasis on putting measures in place to achieve a wider regional spread of tourism business. This is especially important as the increase in shorter breaks and urban tourism continue to bite in rural areas.

In 2006, Fáilte Ireland will invest in excess of €60 million in developing regional tourism, from supporting local festivals to building capability and strengthening the tourism product itself. With regard to the promotion and development of tourism by the regions themselves, the authority will channel in the region of €10 million of this sum directly into the regional tourism companies to strengthen and enhance their operational and marketing capabilities this year. This investment is designed to ensure both a high quality visitor servicing experience at key tourist information offices and also a strong overseas promotional effort.

Both Tourism Ireland and Fáilte Ireland are rolling out a number of very innovative approaches in 2006 which should heighten the regional impact of Ireland's marketing activities both nationally and overseas. Fáilte Ireland is introducing a new local area marketing fund to support the industry in generating additional business in 2006 and 2007. Recognising the importance of home holidays at regional level, the authority will invest €4 million to sustain the recent remarkable growth in the home market and it will also advertise domestic holidays and short breaks 44 weeks a year in order to reach and stimulate the impulse market. Fáilte Ireland's website *www.ireland.ie* generated half a million direct sales leads to the tourism industry during 2005.

On the basis that activities and attractions — things to do and see — are central to increasing spend per visitor, Fáilte Ireland will continue to assist in product development including developing and promoting looped walks, angling, festivals, cycling routes, equestrian, golfing and water based activities. In addition, a new €1 million innovation fund will be made available to industry groups seeking to develop and market new tourism initiatives.

The recruitment and training of people to work in tourism remains a key issue for the industry across all regions. In response, Fáilte Ireland has decided to deliver 80 return to work programmes in 55 locations and four temporary training centres will also be set up to attract approximately 500 local people into tourism. The programmes run at these workshops have proved to be extremely popular as a means of providing training relevant to the needs of local employers. Fáilte Ireland also recognises the particular pressures on small tourism businesses, and, in response, is establishing Tourism business networks in every county in the country as a practical step to helping small businesses address their own development needs.

Tourism Ireland, for its part, will invest an estimated €5 million in 2006 specifically to support promotion of the regions of Ireland overseas and will engage in additional, co-operative marketing with all regions. Key activities include presenting "super region" brands based on strategic marketing alliances between adjoining neighbour regions. Building on the success of the "Go West" initiative, which was launched last year, Tourism Ireland is proposing an enhanced joint marketing programme for the regions. The campaigns will highlight the attractions of the area, ease of access and present good value packages from the industry to consumers in the key markets of Great Britain and mainland Europe. It will present and promote a series of all-island tourist theme trails or "rainbow routes" to help tourists get the most out of their visit. Themes will include music, gourmet, literature, history, Christian heritage, houses and gardens and will be cross-regional. It will further promote and support regional access development as well as reinvigorating the car touring sector.

As the Deputy will appreciate, visitors cannot be forced to go to a particular location against their will. The responsibility primarily lies with the individual communities and operators in the regions to present and market compelling attractions, facilities, accommodation and experiences that deliver value for money and quality service. The Deputy will be aware that the initiatives to

which I have already referred are being undertaken against a backdrop of a restructuring and refocusing of the delivery of tourism at regional level that will effectively lead to the provision of a one-stop-shop for the tourism industry in the regions, with strong regional representation.

This revision of regional tourism structures, which I have fully endorsed, is based on the PriceWaterhouseCoopers, PWC, and Travers reports on how best Fáilte Ireland might carry out its development mandate countrywide. The PWC report highlights the need for a much wider and strategic brief for regional tourism. It recommends a greatly increased emphasis on targeted marketing, product development and enterprise support and suggests establishing an integrated linkage between regional tourism strategy and national policy and exploiting avenues to leverage increased resources. An implementation group, chaired by Mr. Finbarr Flood, was established to assist Fáilte Ireland in implementing the recommendations of the two reports. Fáilte Ireland expects that changes on foot of this work will be seen in the regions later this year.

Decentralisation Programme.

397. **Mr. Pattison** asked the Minister for Enterprise, Trade and Employment the progress made regarding the position of the decentralised Government office for Carlow. [4955/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department has been making good progress in implementing its decentralisation programme. In relation to the site, the current position is that the Office of Public Works has completed the purchase of a site in Carlow town centre. Next steps in the process will include the OPW issuing a call for expressions of interest for the design, build, finance and maintain procurement option selected for this project by the decentralisation implementation group, and approved by the Government.

OPW has indicated that it will be seeking expressions of interest for the project in March of this year, with a view to awarding a tender subject to planning permission, following this pre-selection phase, during the autumn of 2006. The OPW expects construction to begin early in 2007. In the meantime, staff opting for decentralisation continue to be assigned to decentralising areas of my Department. I have not ruled out the option of moving some of my Department's functions to Carlow within a shorter timeframe than that foreseen for the completion of the new building. This option will be explored by my officials in consultation with staff and decentralising business units and provided that suitable high-standard accommodation can be found in Carlow.

Work Permits.

398. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment if a permit for an extended stay will be granted to a person (details supplied) in County Clare; and if he will make a statement on the matter. [4988/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permits section of my Department has indicated that the above named individual's current permit expired on the 21 January 2006 and that it has no record of a renewal application being received. In order for a new permit to issue, the employer will have to submit a renewal application on behalf of this employee.

Decentralisation Programme.

399. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment if, in relation to decentralisation proposals that are relevant to his Department he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5028/06]

400. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5043/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 399 and 400 together.

Of the approximately 300 posts in my Department decentralising to Carlow there are, based on the most recent information available, 256 first preference applications registered with the Central Applications Facility. In 2004 the Department of Finance requested each Secretary General-head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage. Since then vacancies at this level, including in my Department, are being filled by the top level appointments committee, TLAC, on the basis that the successful candidate will decentralise at the appropriate time.

I do not consider it appropriate to indicate the individual preferences of officers at this level in my Department. Senior management of my Department are actively involved in the preparation of the implementation plans for decentralisation to meet the timescale emerging from the

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work of the decentralisation implementation group.

Research Funding.

401. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the number of applications received under the research, technology and innovation grant by Enterprise Ireland in 2005; the number of applications approved in 2005; the amount approved; the budget for allocation in 2006; and if he will make a statement on the matter. [5086/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The RTI scheme is managed by Enterprise Ireland, on behalf of its clients and those of IDA Ireland, Shannon Development and Údarás na Gaeltachta. It supports commercially focused, industry-led projects in product and process development. In 2005, 153 applications were received for the scheme, of which 150 were supported. The total value of approvals in 2005 was €30.6 million and it is expected to exceed €32 million in 2006. The budget for grant payments in 2006 is €23 million.

Community Employment Schemes.

402. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment the position regarding persons aged 50-55 employed on community employment schemes; and if he will make a statement on the matter. [5110/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The main purpose of the community employment programme operated by FÁS is to provide work experience and training for the long-term unemployed and disadvantaged groups and thereby enable participants to advance successfully to employment in the open labour market. Following a review of FÁS employment schemes — community employment, job initiative and social economy programmes — on 10 November 2004 I announced that the three-year cap for participants on community employment was raised to six years for those over 55 in order to ensure the maintenance of essential community services particularly in rural areas, where it had been found that difficulties existed in finding replacement participants.

Persons aged between 50 and 55 years normally leave the programme after three years but I am informed by FÁS that about 20% of participants including persons less than 55 years of age may benefit from an additional year on the programme under the flexibility guidelines introduced in August 2001.

Competition Policy.

403. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his views in regard to the submission accompanying this question; and if he will make a statement on the matter. [5118/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am writing directly to the Deputy in response to the submission he has sent me. In the meantime, I have set out below my views on each of the specific points made in that submission in regard to the Competition (Amendment) Bill 2005.

It is claimed that the Competition (Amendment) Bill does not adequately deal with predatory pricing. He refers to my Department's report and analysis of the Restrictive Practices (Groceries) Order. It is true that the report does state that it is unlikely that any firm would be considered to be dominant in the grocery market if it holds less than 35% market share, and that on that basis no grocery retailer would be considered dominant in the national Irish market. However, as the report makes clear, the matter is more complex than this. "Dominance" under section 5 of the Act can be measured either in the State or "in any part of the State". Therefore, the existing legislation is sufficiently flexible to allow the Competition Authority or the courts to tackle predatory pricing in all circumstances, including small local markets. Specifically, an individual supermarket outlet in a small rural town, whether part of a multiple chain or otherwise, could be considered dominant, in certain circumstances, within the meaning of the Competition Act 2002, and thus prosecuted if it engaged in predatory pricing.

The submission further states: "Thus with the abolition of the Groceries Order predatory pricing is no longer banned in the Irish Grocery sector." This is completely inaccurate. Predatory pricing is already prohibited by section 5 of the Competition Act 2002, which outlaws the abuse of a dominant position in a market. The Competition Act 2002 is based on Articles 81 and 82 of the EC Treaty. There is a strong body of case law which shows that these provisions can be and are used to prohibit and punish predatory pricing. Furthermore, predatory pricing is punishable under Irish competition law by fines of up to €4 million or 10% of turnover. These penalties are much greater than those which applied under the groceries order and are likely to act as a real deterrent to any business contemplating predatory pricing. Finally, the Competition Authority has extensive powers and a dedicated division of expert staff which investigates allegations of companies abusing a dominant position. The circumstances of each allegation are unique and each complaint is assessed on a case-by-case basis.

The submission refers to "restriction of offer". At this point, I am not in favour of imposing statutory rules in regard to restriction of offer type arrangements. Such a measure would be extraordinarily difficult to enforce and would rep-

resent an interference in the freedom to trade that is not in the interests of guaranteeing fair competition in the grocery market.

With regard to credit terms, I would point out that on 7 August 2002 the European Communities (Late Payment in Commercial Transactions) Regulations 2002, SI No. 388 of 2002, came into operation on foot of Directive No. 2000/35/EC of the European Parliament and of the Council. These regulations apply to all commercial transactions in the public and private sectors. They provide that interest shall be payable in respect of the late payment of a commercial debt. A payment is regarded as late if it has not been paid 30 days after an invoice or goods have been received or by a date as agreed by contract. The regulations also provide that compensation may be claimed for debt recovery costs. The use of terms that are grossly unfair may be unenforceable and such terms may be challenged in court. Criteria for testing whether terms are grossly unfair are specified in the regulations and such terms may also be challenged by organisations representing small and medium sized enterprises.

Community Employment Schemes.

404. **Mr. Hayes** asked the Minister for Enterprise, Trade and Employment his plans to review community employment schemes in relation to core services provided to persons with disabilities; his views on core funding in these services; and if he will make a statement on the matter. [5119/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community employment, CE, is an active labour market programme designed to provide eligible long-term unemployed people and other disadvantaged persons, including those with a disability, with an opportunity to engage in useful work within their communities on a fixed-term basis. CE helps unemployed people to re-enter the active workforce by breaking their cycle of unemployment through a return to a work routine. It also assists them in the enhancement and development of both their technical and personal skills. A significant proportion of CE participants are persons with disabilities.

In November 2004, I announced a number of changes to FÁS employment schemes. These changes included the maintenance of 25,000 places on community employment schemes, job initiative and social economy during 2005 as there is still a need for these schemes for people who find it difficult to secure employment. The ring-fencing and prioritisation of places for health related services, including those for persons with disabilities, was introduced in order to maintain the delivery of essential services. As a result, health-related service provision levels have been maintained at a constant level.

405. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment his proposals in regard to core funding for community employment staff supporting essential services (details supplied); and if he will make a statement on the matter. [5356/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The main purpose of the community employment programme operated by FÁS is to provide work experience and training for the long-term unemployed and disadvantaged groups and thereby enable participants to advance successfully to employment in the open labour market. On 10 November 2004, following a review of FÁS employment schemes — community employment, job initiative and social economy programmes — I announced that community employment places supporting the delivery of health services will continue to be ring-fenced. These arrangements have benefited and will continue to benefit the Irish Wheelchair Association as regards the provision of carers.

State Funding.

406. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the amount of funding given to the Crafts Council of Ireland in 1997 and each year to 2005; and if he will make a statement on the matter. [5521/06]

410. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the amount of taxpayers money allocated in the estimates to the Crafts Council of Ireland in 2005; the amount spent by the council; the support the council gives the 1,500 plus crafts people on its register of craft enterprise; and if he will make a statement on the matter. [5525/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 406 and 410 together.

The Crafts Council of Ireland is an independent, registered company with charitable status, established by the crafts sector itself, both North and South. It is not a body to which I am empowered to give directives. However, by mutual agreement, I appoint the chairperson and four other people to the board, which comprises 15 people in total. Obviously, my influence is substantial, as my Department will financially support only those activities of the council that support national enterprise development policy. In that regard, funding is provided to the council through the national enterprise development agency, Enterprise Ireland, on the basis of an agreement between the council and Enterprise Ireland that the council carry out activities complementary to Enterprise Ireland's policy. My Department, as part of Enterprise Ireland's annual estimate, approves this funding.

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In general terms, the period 1997 to 2005 marked a period of strong growth in the craft industry, with 2001 being the only year in which a fall in craft sales was recorded. Enterprise Ireland report that the amounts, in rounded figures, transferred to the council via Enterprise Ireland, and formerly Forbairt, each year since 1997 are as follows: 1997 — €0.6 million; 1998 — €1.2 million; 1999 — €0.9 million; 2000 — €1.5 million; 2001 — €2.4 million; 2002 — €2.6 million; 2003 — €2.3 million; and 2004 — €2.4 million. Enterprise Ireland reports that in 2005, circa €3 million was transferred to the Council via Enterprise Ireland. This included a once-off payment of €200,000 for the phase 2 development of the National Craft Gallery in Kilkenny. The council also generated own resource income amounting to €381,285 from its activities and received EU funding of €107,184 in 2005.

Actual expenditure on craftspeople in 2005 is estimated at circa €2.4 million, which represents some 70% of the overall budget. This expenditure covered a broad range of activity under the five strategic plan goal headings of design, knowledge, marketing, education, and recognition. The council makes substantial effort to evaluate its activity and set benchmarks for the improvement of service and it makes this information on its performance widely available to clients and stakeholders in its annual reports and published statistics.

407. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment when the work of the Crafts Council of Ireland was last reviewed; if the outcome of the review is available to the public; if he has satisfied himself that the crafts people are getting sufficient support and the taxpayer getting value for the money allocated by him to the Crafts Council of Ireland; and if he will make a statement on the matter. [5522/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Crafts Council of Ireland is an independent, registered company established by the crafts sector itself, both North and South. It is not a body to which I am empowered to give directives. However, I appoint the chairperson and four other people to the board, which comprises 15 people in total. My influence, therefore, is significant, as my Department will financially support only those activities of the council that support national enterprise development policy.

In respect of reviewing the activities of the council, a formal review by the Department of Finance took place in 1995. The review was not published. The council adopted the principal recommendations. Subsequent to the review, a decision was taken to establish a new supervisory reporting arrangement between my Department, Forbairt — subsequently Enterprise Ireland — and the council. These arrangements are being reviewed and updated in the context of agreeing a memorandum of understanding between my Department, the council and Enterprise Ireland in respect of procedural and policy matters. I expect the memorandum of understanding to be formally adopted within the next two months.

In addition, as part of the strategic planning process, the council publishes reviews, carried out by external consultants, of its strategy. The most recent review was of the council's 2000-03 strategy. Its results were published as a substantial appendix to the current strategy and give details of outputs and outcomes for the council's principal activities for the period.

Exchequer funding is provided to the Council through Enterprise Ireland, on the basis of an agreement between the council and Enterprise Ireland that the council carry out activities complementary to Enterprise Ireland's policy and goals. The council also generates own resource income from its activities and is in receipt of EU moneys. I understand that in 2005, the council spent circa €2.4 million, or some 70% of its total budget in support of craftspeople, covering a broad range of activity under the five goal headings in their current strategic plan namely design, knowledge, marketing, education and recognition. Furthermore, the council includes a detailed breakdown of client participation in its activities in the annual report. In 2004, for example, 1,238 clients participated in council-sponsored projects, representing around 80% of the council's client base.

In terms of value for money, I am informed that in each year of the current strategic plan, the council has delivered 17 key services that have a direct impact on the promotion and economic performance of the craft industry. This has been achieved with a small core team of 11 full-time and three part-time staff, backed up by contractors providing specialist services when necessary. The council has maintained an expenditure ratio of 30:70 between administration and staff costs and the cost of services of direct benefit to its clients. The council will continue to provide value for money for the State funding it receives on behalf of the craft industry it serves.

408. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the reason so few of the established crafts people were exhibitors at Showcase 2006; and if he will make a statement on the matter. [5523/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Craft Council of Ireland is an independent registered company with charitable status established by the craft sector itself, both North and South. It is not a body to which I am empowered to give directives. However, by mutual agreement I appoint the chairperson and

four other people to the board which consists of 15 members in total.

Showcase is the council's annual trade fair. The council has responsibility for organising and running Showcase, and I am not involved with matters relating to the organising of this event. I am informed by the council that at Showcase 2006 there were 600 exhibitors of which 165 were client craft manufacturers, representing 11% of the council's client base. Given the investment that attending this four day event requires, this figure represents a substantial number of exhibitors. The council acknowledges that the number of craft exhibitors attending the fair over the past four years has declined somewhat.

The decline in the number of craft exhibitors at Showcase relates to a trend in the industry which is increasingly opting to sell its manufactures directly to the public through owner outlets or consumer fairs rather than through a retailer. Over the past three years analysis of sales to Irish consumers has shown a decline in the proportion of crafts sold indirectly to domestic consumers through retail outlets, and an increase in direct sales by craft producers to consumers. The value of these direct sales rose by 49% over three years from 2003 to 2005, from €51.9 million to €77.4 million. In the same period, the value of Irish craft sales to consumers made by retailers grew only by 16%, from €46.7 million to €54.4 million.

The surge in the value and proportion of direct sales is driven by the industry itself, as it attempts to secure a greater profit margin on goods sold in a competitive market. However, while this has provided the industry with short term gain, the council believes that to recruit new consumers in the 25 to 35 year old age group, craft companies must increase the current proportion of their goods sold through retail, as the 25 to 35 year age group does not shop in significant numbers outside of mainstream retailers. This view has been confirmed in recent consumer research commissioned by the council. As a result, over the coming year the council will be encouraging the industry to re-balance its proportion of direct and indirect sales and will be actively promoting the use of Showcase as the most effective way to achieve this.

The immediate target set by the council for Showcase 2007 is to restore registered craft exhibitors at Showcase to the level of 2003, that is, close to one third of total exhibitors, and there will be a promotional campaign over the coming year to encourage Showcase exhibition by council clients. The council states that the issue of increasing sales of Irish craft through retail will continue to be a main policy objective in the council's strategic plan for 2007-2009.

Showcase is regarded as one of the most important fairs of its type in Europe, and is attended by journalists and buyers from all over the world. Total spend at Showcase 2005 amounted to €31 million and the estimated spend for Showcase 2006 is €35 million.

409. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he is satisfied with the content and implementation of its Craft Council of Ireland's strategic plan; the cost of and percentage of the total budget used in the design photography, production and printing of the strategic plan, the 2006 calendar and the most recent annual report; and if he will make a statement on the matter. [5524/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Craft Council of Ireland is an independent registered company with charitable status established by the craft sector itself, both North and South. It is not a body to which I am empowered to give directives. However, by mutual agreement I appoint the chairperson and four other people to the board which consists of 15 members in total. Obviously, my influence is substantial as my Department will only financially support those activities of the council which support national enterprise development policy.

The council receives funding from my Department through Enterprise Ireland. The policy of the council must reflect Enterprise Ireland's mission and national policy with regard to the development of indigenous enterprises. It is a matter for Enterprise Ireland to ensure that monies disbursed to the council support purposes which are in line with Enterprise Ireland's goals.

The council's strategic plan for 2004-2006 was submitted to both Enterprise Ireland and the Department of Enterprise, Trade and Employment prior to publication. In the council's plan, five goals were developed and within these goals, objectives and activities were clearly identified. Council business plans for the period of the strategic plan were then developed based on these goals, objectives and activities. Every council activity conducted during this time is referenced back to the strategic plan and the outcomes and outputs of each activity are published each year in the council's annual reports. Each annual report included a review of all activity undertaken, a breakdown of the spend and an analysis of the beneficiaries who participated in the various council projects broken down by county and gender.

The strategic plan 2004-2006 was published in April 2004 and I am informed that the cost of production, including editing, layout, design and print, was €27,294.76 — 0.98% of the overall budget for 2004. There were no photography cost implications because, as with all council publications, images are sourced from the council's image bank — a digital resource of professional images which are taken under the council's photo scheme and exhibition programme. All of the photo scheme images are part funded by the craftsperson, and they are used by both the craft-

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sperson and the council for the purposes of promotion.

Approximately 1,500 copies of the strategic plan were then distributed to key influencers, media, education bodies, cultural bodies and relevant international craft bodies. It was also published on-line in both English and Irish — to date 430 copies of the plan have been downloaded.

I am informed that the cost of the 2006 calendar was €9,179.65 which was 0.25% of the 2005 budget. This works out at €3.06 per calendar. Again all of the images came from the existing council's image bank. The purposes of the council's calendar are to raise awareness of craft, act as a reminder to registered craftspeople of all council date-related activities and events, and provide the craftspeople whose work is included in the publication with a promotional opportunity. Each are given several copies to distribute to buyers etc. Furthermore it encourages more craftspeople to participate in the photo scheme and to get professional photography of their work. To date 3,000 copies have been printed and approximately 2,850 have been distributed. Reaction to the calendar in general has been very positive.

I am informed that the cost of the 2004 annual report was €19,902.21 which is 0.62 % of the 2005 budget. The purposes of the report are to provide an account of all council activity, a breakdown of the figures, and an analysis of the results and beneficiaries broken down by project, county and gender. It benchmarks progress year on year, raises the profile of craft and acts as a partnership document with council clients. Some 2,250 copies of the annual report were printed, of which approximately 2,200 have been distributed.

Question No. 410 answered with Question No. 406.

Question No. 411 withdrawn.

Social Welfare Benefits.

412. **Mr. Stanton** asked the Minister for Social and Family Affairs the amount paid out under the diet supplement scheme in the years 2004 and to date in 2006; the number of recipients of the supplement in each year respectively; the minimum and maximum amounts payable under the scheme; and if he will make a statement on the matter. [4956/06]

Minister for Social and Family Affairs (Mr. Brennan): Diet supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

Any person 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.

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 since 1996. 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. The assessment of individual entitlements takes account of the annual increases in primary social welfare rates since 2004.

Details of the current number of recipients and the number of recipients of diet supplements since 2004 are shown in the following table:

Table: Number of Recipients and Cost of Diet Supplement 2004-2006

Year	Recipients	Cost
		€ million
2004	12,681	6.97
2005	11,801	6.39
2006	11,700	.55*

* As of 3 February 2006 there are 11,700 diet supplements in payment. Expenditure to date in 2006 is €0.55 million.

As diet supplements are subject to a means test, the amount payable varies from case to case, depending on the income and other circumstances of the applicant. The minimum payment can be as little as €1.20 per month while the maximum payment can be in excess of €20 per week. The most typical amounts paid are €8 per week in the case of single people and €10 per week in the case of couples.

Decentralisation Programme.

413. **Mr. Kenny** asked the Minister for Social and Family Affairs if, in relation to decentralisation proposals that are relevant to his Department, he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5029/06]

414. **Mr. Kenny** asked the Minister for Social and Family Affairs if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5044/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 413 and 414 together.

As part of the decentralisation programme announced in December 2003, my Department is due to decentralise its headquarters to Drogheda. The indicative time for completion of accommodation in Drogheda is 2009.

There are five posts at assistant secretary and one at deputy secretary level in my Department. In the context of a general request from the Department of Finance to all Departments in 2004, these officers were requested to indicate whether they would be likely to move to the Department's proposed new headquarters in Drogheda. It would not be appropriate to indicate the individual preferences of officers in this regard. However, on the basis of the replies which were given at that stage and taking account of the projected timescale involved and having regard to the possibility of staff retirements and other changes in the meantime, I am satisfied that there will be sufficient numbers of staff at assistant secretary level and above who have the experience necessary to ensure continuity of management in the context of the decentralisation programme.

Social Welfare Benefits.

415. **Mr. J. Higgins** asked the Minister for Social and Family Affairs if the situation will be changed whereby lone parents participating in community education initiatives have their training allowance, above a €60 disregard, assessed for rent supplement thus completely negating the recent €10 increase in training allowance, just under one third of the entire training allowance being taken off their rent supplement. [5370/06]

416. **Mr. J. Higgins** asked the Minister for Social and Family Affairs if lone parents participating in community education initiatives will be allowed to retain all of their supplementary benefits. [5371/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 415 and 416 together.

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. My Department does not have any function in relation to 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.

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.

Budget 2006 provided for an increase in the additional income disregards applicable to a person in part-time employment, and participants on certain employment and training courses. 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 plus an additional disregard of half of any additional income between €60 and €90.

The measure in budget 2006 to disregard half of any additional income between €60 and €90 is worth €15 per week to a person on OFP who has a full training allowance and for that reason, the €10 increase in training allowances referred to by the Deputy is not in fact negated. 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.

Overall, I consider that the current rent supplement additional income disregards ensure that people have a financial incentive to take up training opportunities, and the position is being kept under continuous review.

417. **Mr. McGuinness** asked the Minister for Social and Family Affairs if financial assistance will be approved in the case of a person (details supplied) in County Kilkenny. [5436/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the terms of the supplementary

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welfare allowance scheme, the Health Service Executive may make a single payment, known as an exceptional needs payment, ENP, to help meet essential, once-off, exceptional expenditure, which a person could not reasonably be expected to meet out of his or her weekly income. Eligible people would normally be in receipt of a social welfare or Health Service Executive payment.

Exceptional needs payments are not issued in individual cases on an ongoing basis. They are issued at the discretion of the Health Service Executive and my Department does not have any function in deciding entitlement in individual cases.

The south-eastern area of the Health Service Executive has advised that the person concerned applied on last Wednesday, 8 February 2006, for an exceptional needs payment to replace clothes and furniture that were damaged following an accident in his home.

The community welfare officer visited the person concerned on the following day, Thursday, 9 February 2006, and has advised that a decision will be made in the next few days and the person concerned will be informed of the outcome.

418. **Mr. Deasy** asked the Minister for Social and Family Affairs the full range of entitlements available to refugees and asylum seekers; and if he will make a statement on the matter. [5438/06]

Minister for Social and Family Affairs (Mr. Brennan): Since April 2000 the needs of asylum seekers are catered for under the direct provision system operated by the reception and integration agency of the Department of Justice, Equality and Law Reform. Under the system asylum seekers are provided with full board accommodation and other facilities such as laundry services and access to leisure areas. To take account of the services provided, a direct provision allowance of €19.10 per adult per week and €9.60 per child per week is payable in respect of any personal requisites required.

Following the introduction of the statutory habitual residency condition in May 2004, asylum seekers are generally not entitled to receive social welfare support. Since then, the payment of this weekly direct provision allowance is being made on an administrative basis by the community welfare division of the Health Service Executive on behalf on the Department of Justice, Equality and Law Reform.

This is an interim measure pending finalisation of arrangements by the Department of Justice, Equality and Law Reform to integrate payment of an allowance with its management of accommodation and related services for asylum seekers. It continues to be open to any asylum seeker to seek assistance for a particular once-off need by way of an exceptional needs payment under the supplementary welfare allowance scheme.

In addition, a small number of asylum seekers are in receipt of other social welfare payments such as unemployment payments, one-parent family payments, pensions, disability allowance and child benefit. These payments were authorised prior to the introduction of the habitual residency condition.

Refugees, that is people whose claim for asylum is successful, are entitled to assistance under the social welfare system on the same basis as Irish citizens. For example, they can seek employment but if they are unable to secure employment they will qualify for unemployment assistance if they fulfil the standard conditions of being available for, capable of and genuinely seeking work and if their means are below the qualifying limit. Similarly, they may qualify for other supports, such as one-parent family payment or unemployment assistance subject to the same conditions that apply to all other applicants for these payments.

419. **Mr. Boyle** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that former Irish Ferries employees are having to wait eight to 12 weeks before they receive their entitlements as their redundancy is being classed as voluntary in view of the circumstances surrounding the Irish Ferries dispute; and if this is justifiable. [5439/06]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy is referring to the disqualification period that applies on an unemployment benefit claim when a person receives a redundancy payment.

Under social welfare legislation a person under age 55 who receives a redundancy payment in excess of €19,046.07, may be disqualified for receiving unemployment benefit for a period of up to nine weeks from the last date of employment. This period of disqualification is determined by the amount of the redundancy payment and applies regardless of whether the redundancy is voluntary or involuntary. In practise, a disqualification for one week applies where the redundancy payment is between €19,046.07 and €25,400 and the full nine-week disqualification applies where the amount of the redundancy payment exceeds €69,850.

This amount includes the gross amount of all payments in respect of the redundancy, for example, statutory redundancy, top-up or *ex gratia* payments related to weeks of service, early encashment of pension entitlements, if from employer's funds, and any other money received under an agreement with the employer.

420. **Mr. McGuinness** asked the Minister for Social and Family Affairs if rent allowance will

be approved in the case of a person (details supplied) in County Kilkenny. [5494/06]

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. My Department does not have any function in relation to decisions on individual claims.

The community welfare division of the Health Service Executive has advised that it has no record of an application for rent supplement from the person concerned. If he wishes to apply for a rent supplement he should contact the community welfare officer at his local health centre for an assessment of his eligibility.

421. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the case of a person (details supplied) in County Carlow will be reviewed; and if arrangements will be made to grant rent allowance in the case. [5664/06]

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. My Department does not have any function in relation to decisions on individual claims.

The executive has advised that it recently reviewed the rent supplement claim of the person concerned and it has decided to increase the rate of supplement payable. It has informed the person concerned of this decision and advised the person to contact the community welfare officer in the event of any change in his personal circumstances.

Pension Provisions.

422. **Mr. Connaughton** asked the Minister for Social and Family Affairs the number of people who were over the age of 56 when they commenced paying contributions for the self-employed in 1988; if his attention has been drawn to the great dissatisfaction among the people concerned in view of the fact that they were not allowed to continue making contributions or to claim a reduced pension; and if he will make a statement on the matter. [5804/06]

Minister for Social and Family Affairs (Mr. Brennan): The social insurance or PRSI system is based on payment of compulsory contributions to the social insurance fund, in return for which, and subject to meeting the conditions prescribed, contributors become eligible for a range of income replacement benefits such as old age contributory pension. The rationale underlines the general principle that there should be a reasonable link between entitlement to benefit and participation in the labour force. This reflects the contributory principle and the pay as you go nature of the social insurance system in Ireland.

The scheme providing for compulsory social insurance contributions for self-employed workers was introduced in 1988. They had previously been excluded from compulsory social insurance. An estimated 61,500 of the almost 160,000 self-employed who were brought into social insurance coverage in 1988 were over 56 years. At that stage, it was recognised that many of those aged 56 years or over would be ineligible for old age contributory pension, as they would not satisfy the qualifying condition of having entered insurance ten years prior to attaining pension age unless they had been insured previously as employees. The possibility of making provisions to enable self-employed persons to continue paying contributions after age 66 until they had ten years of insurance completed was considered. However, the potential cost of this concession was found to be prohibitive.

In April 1999 a special old age contributory pension was introduced for self-employed people who were aged 56 or over in April 1988 and who have at least five years' contributions paid since then. Payment is at a flat rate of 50% of the standard maximum rate with equivalent increases for adult and child dependants, where applicable.

Social welfare legislation also provides for the return of the pension element, 53%, of PRSI paid to insured persons who entered into insurable employment after they had attained the age of 56 years and do not have entitlement to old age contributory pension, old age non-contributory pension or retirement pension, with interest on these refunds of contributions by reference to the consumer price index.

I am aware of ongoing issues in relation to the self-employed and contributory pensions. However, in considering proposals for changes or enhancements to the pension system it is necessary to uphold the contributory principle that underpins qualification for pensions and benefits. In this regard I consider that the special arrangements introduced in 1999 represent a positive and reasonable response to the issues raised in relation to this particular group of people, but the situation is being kept under continuous review.

Road Safety.

423. **Mr. Kenny** asked the Minister for Transport if his attention has been drawn to the difficulties people experienced in acquiring copies of the booklet with an updated version of the rules of the road; the location at which the public can acquire copies of the relevant booklet; if he will arrange to have these made available to post offices, citizens information bureaus, local authorities, motor taxation offices and so on; and if he will make a statement on the matter. [4996/06]

451. **Ms Shortall** asked the Minister for Transport his plans to ensure that the new Rules of the

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Road booklet is read by drivers including those who have long passed their test; his views on making ownership of the book a condition of the taxing of a car; and if he will make a statement on the matter. [5800/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 423 and 451 together.

My Department is currently engaged in a comprehensive review of the Rules of the Road booklet. It is the intention that a draft of the new booklet will shortly be published on the Department's website and that comments and submissions will be invited from the public and interested parties. The new booklet will be finalised following consideration of any submissions received and it is intended that the finalised booklet will be made available on the Department's website and for sale shortly thereafter.

The Government publications sales office arranges for the supply of the booklet to certain outlets and the booklet is also made available to other outlets on request. In that regard, I see merit in the Deputy's suggestions as regards such outlets and will request my officials to pursue those suggestions.

The more widespread availability, as described above, of the new Rules of the Road should lead to greater familiarity with these rules by drivers generally. I am not disposed to seek to attach a condition to taxation of motor vehicles related to possession of a Rules of the Road booklet. I would add that it is a matter for individual road users to act responsibly on the roads, to develop safe driving habits and to familiarise themselves with the rules of the road.

424. **Ms Burton** asked the Minister for Transport if foreign registered vehicles are required to have national car tests; if so, the number of tests which have been carried out in each year from 1998 to date in 2006; and if he will make a statement on the matter. [5014/06]

Minister for Transport (Mr. Cullen): In accordance with EU Directive 96/96/EC, each member state of the European Union is required to have arrangements in place for the compulsory periodic roadworthiness testing of motor vehicles registered by it. In line with the directive's requirements, the testing of passenger cars in this country is confined to Irish-registered cars. Car testing commenced in this country in January 2000 and is carried out by National Car Testing Service Limited, NCTS. Data in relation to the number of vehicles tested by NCTS since January 2000 is available on the company's website at *www.ncts.ie.*

Motor vehicles brought into Ireland from abroad, other than those brought in temporarily by visitors, must be registered with the Revenue Commissioners by the end of the next working day following their arrival in the State. Arrangements relating to the administration and enforcement of the motor vehicle registration system are matters for the Revenue Commissioners.

Rural Transport Services.

425. **Mr. Ring** asked the Minister for Transport the position regarding a project (details supplied) in County Mayo; if the feasibility study was completed; if so, at what cost; if a decision has been made to proceed with the project; the estimated overall cost of the project; and if he will make a statement on the matter. [5196/06]

Minister for Transport (Mr. Cullen): A study was commissioned in March 2002 on the feasibility of a ferry service linking Achill Island with the Erris peninsula. It was carried out by Tourism and Transport Consult International and the final cost of the study was €46,355. The study found little evidence to support such a ferry service in terms of demand. It found that the project would be non-viable without financial support for acquisition of a suitable vessel and for ongoing running costs. The estimated overall cost of the project was approximately €2-3 million initially, with an annual operating cost of €455,000.

Road Safety.

426. **Mr. Kenny** asked the Minister for Transport if each local authority has developed a local road safety plan as part of its road functions; and if he will make a statement on the matter. [5473/06]

427. **Ms O. Mitchell** asked the Minister for Transport the role and functions of local authority road safety officers; their work programme for 2006; and if he will make a statement on the matter. [5484/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 426 and 427 together. The National Safety Council, in consultation with my Department, the Department of the Environment, Heritage and Local Government, and the City and County Managers' Association is developing a template for road safety action plans which will be piloted in ten chosen local authority areas. The results of these pilots will inform the development of models which can subsequently be applied in all local authority areas throughout the country. This project includes an examination of the role of local authority road safety officers by the National Safety Council in consultation with relevant Departments and agencies.

It is a matter for local authorities to appoint road safety officers in their area, to develop work programmes for those officers, where necessary, and to develop road safety plans. Road safety officers and road safety plans already exist in a number of local authorities.

Road Traffic Offences.

428. **Ms O. Mitchell** asked the Minister for Transport the mechanism in place to ensure that drivers who have incurred 12 penalty points actually have those points entered on their licences and specifically, in the case where drivers do not return their licence to their licensing authority, the follow-up procedure which is in place. [4969/06]

Minister for Transport (Mr. Cullen): On receipt of notification from either an Garda Síochána or the Courts Service that a person has paid a fixed charge in respect of an alleged penalty point offence, or has been convicted of a penalty point offence, the appropriate points are recorded on the licence record of that person in the national driver file and a notification is issued. When 12 points have been accumulated on the licence record the person is notified that he or she is disqualified for a period of six months and is requested to surrender his or her licence to the appropriate licensing authority. Where the licence is not surrendered there is provision for an Garda Síochána to be notified.

Port Development.

429. **Mr. Gilmore** asked the Minister for Transport the new policy for ports which has been agreed by Government; if it is intended to discontinue the appointment of local authority members to the board of port companies; and if he will make a statement on the matter. [4970/06]

Minister for Transport (Mr. Cullen): The Government's ports policy statement was published in January 2005. It is available on the Department's website. It comprises several key elements, including proposed measures to give clearer and more focused commercial mandates to the ten state owned commercial port companies.

One such measure is the proposed reduction from three to one in the number of local authority directors on the boards of port companies; where there is currently more than one local authority represented on the board of a port company, an appropriate system of rotation will apply. The Department is currently in the process of drafting legislation to implement this and other aspects of the ports policy statement.

Road Safety.

430. **Mr. Eamon Ryan** asked the Minister for Transport the legislative grounds on which local authorities designate the speed limit of local areas; the involvement his Department has in this process; and if he will make a statement on the matter. [4973/06]

Minister for Transport (Mr. Cullen): The Road Traffic Act 2004 sets out new speed limit structures and new processes for the application of special speed limits following the changeover to metric speed limits on 20 January 2005. Section 9 provides for the application through the making of by-laws by the elected members of county and city councils of special speed limits in lieu of the speed limits that apply on a default basis to roads and motorways. Procedural steps to be complied with regarding consultation, consent and publication notice requirements, as required, are specified in the section.

Section 9 also provides that the Minister for Transport may issue guidelines to county and city councils on the making of special speed limit by-laws. I issued such guidelines on 18 April 2005 and a copy is available in the Oireachtas Library and may also be viewed on my Department's website. Section 10 of the Road Traffic Act 2004 provides that a county or city manager may make a road works speed limit order for the application of a speed limit on any road or part of a road, including a motorway, where road works are being carried out. A road works speed limit order can be applied for any period of not more than 12 months and the minimum speed limit that may be put in place by such an order is 30 km/h. Notice, consent and publication requirements to be complied with are set out in the section.

The determination of what speed limit should apply at particular locations in lieu of a default speed limit is a matter for the elected members of city and county councils in the case of special speed limit by-laws and for county and city managers in the case of road works speed limit orders. My Department has no involvement in these processes.

Irish Aviation Authority.

431. **Mr. F. McGrath** asked the Minister for Transport if he is satisfied with the safety standards at a company (details supplied) with regard to procedures, staffing arrangements and flights at Dublin Airport; and if he will make a statement on the matter. [5005/06]

Minister for Transport (Mr. Cullen): The Irish Aviation Authority has, since its establishment in 1994, been responsible for the safety regulation of, and the issuing of air operator's certificates to, Irish airlines, including Ryanair, in accordance with the requirements of current European and international standards. The authority exercises continuous surveillance on Irish airlines in accordance with those safety requirements. The authority has advised me that the safety standards of Ryanair currently meet those requirements.

Decentralisation Programme.

432. **Mr. Kenny** asked the Minister for Transport if, with regard to decentralisation proposals that are relevant to his Department, he is satisfied that sufficient numbers of staff at secretary and

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assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5030/06]

433. **Mr. Kenny** asked the Minister for Transport if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5045/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 432 and 433 together.

In 2004 the Department of Finance requested each Secretary General or head of office to discuss the question of decentralisation with his or her senior officers at Assistant Secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage.

Since then vacancies at this level, including in this Department, are being filled by the top level appointments committee, TLAC, on the basis that the successful candidate will decentralise at the appropriate time. I do not consider it appropriate to indicate the individual preferences of officers at this level in this Department but I can say that I am confident that there will be a sufficient cadre of people at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out over the coming years.

Insurance Costs.

434. **Mr. Lowry** asked the Minister for Transport his strategy to address the exorbitant cost of insurance for young drivers; if he will undertake a review of the insurance reform programme; if he will limit the extent to which insurers use statistical information as the basis for premium priced insurance for younger drivers; and if he will make a statement on the matter. [5177/06]

Minister for Transport (Mr. Cullen): The Deputy will be pleased to know that the cost of motor insurance has fallen again in January 2006 to a new low of 78.2 index points compared to 108 index points in April 2003 when the Government's insurance reform programme commenced. This represents a 27.59% decrease in the cost of motor insurance to policyholders. Average premia are now back to 1999 levels. Given the continued success of the programme, I do not think that a review is warranted at this stage.

The main rating factors motor insurance companies use in assessing a motor insurance premium are as follows: the power to weight ratio of the car; the insurance policy proposer and any drivers; area of use or garaging; use of the vehicle; and cover required. I cannot see what alternatives are available to motor insurance companies other than using statistical data to assess risk, I would welcome the Deputies suggestions as to how this could be achieved. The National Roads Authority publishes annually road traffic collision statistics, which are available in the Oireachtas Library. These statistics can also be downloaded from the website *www.nra.ie.*

The report in respect of 2004 indicates that driver error accounted for some 88% of all contributory factors to collisions where such factors are identified and confirms the trend that young male drivers between the ages of 17 and 25 are one of the groups that are overrepresented in collision statistics.

Road Safety.

435. **Ms O'Sullivan** asked the Minister for Transport the number of people who died as a result of road traffic accidents on roads here in 2005; the number of those where the accident took place between 12 midnight and 4 a.m. and if he will make a statement on the matter. [5221/06]

Minister for Transport (Mr. Cullen): Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority, NRA, in its annual Road Accident Facts reports. The most recent report, now entitled Road Collision Facts, relates to 2004 and is available in the Oireachtas Library and on the NRA website. In 2004, 374 people lost their lives in 334 collisions. Some 63 of these collisions took place between 12 midnight and 4 a.m. The provisional end of year figure for 2005 shows a total of 400 deaths on the roads. Statistics relating to 2005 have not yet been fully analysed and authenticated however, so a breakdown by time of day is not yet available.

436. **Ms O'Sullivan** asked the Minister for Transport if coach and bus drivers will be subject to penalty points if they use the outside lane on a motorway or a dual carriageway to overtake slower vehicles while staying themselves within the appropriate speed limit; and if he will make a statement on the matter. [5222/06]

Minister for Transport (Mr. Cullen): With regard to motorways, it is prohibited since 1997 under article 33 of the Road Traffic (Traffic and Parking) Regulations 1997 to drive a bus or coach that accommodates more than eight passengers in the outside lane except where it is necessary to proceed in that lane due to an obstruction or because another lane or lanes is or are for the time being closed to traffic.

Penalty points will be applied to the driving licence records of coach and bus drivers who are

convicted of an offence or to those who pay a fixed charge to the Gardaí in order to prevent the instigation of court proceedings. This road traffic offence is included in the Schedule of offences listed in the Road Traffic Act 2002 to which the penalty points system can be applied and it is one of the 31 offences to which I propose to extend the penalty points system in April 2006. This driving rule only applies to outside lanes on motorways so a driver of a bus or coach is not prohibited from driving in the outside lane of a dual carriageway or other classes of road.

Rail Network.

437. **Mr. Penrose** asked the Minister for Transport if his Department has carried out further examination or assessment on the prospect of reopening the Mullingar to Athlone railway line (details supplied); and if he will make a statement on the matter. [5365/06]

Minister for Transport (Mr. Cullen): On 2 November 2005, I met a delegation from the Midland Railway Action Group to discuss the matter of the reopening of the Athlone to Mullingar railway line. At our meeting, it was agreed that the group would present to me with a detailed proposal, supported by a complementary land use and settlement strategy. The group was to submit such a proposal within six-month timeframe. I will, in conjunction with Iarnród Éireann, consider any such proposal when it is submitted to me.

Airport Development Projects.

438. **Mr. P. Breen** asked the Minister for Transport if, in view of the proposed introduction of larger aircraft on long haul flights, there are plans to extend the existing main runway 10/28 at Dublin Airport in a westerly direction; and if he will make a statement on the matter. [5393/06]

Minister for Transport (Mr. Cullen): The issue raised by the Deputy is a day-to-day operational matter for the Dublin Airport authority, in which I have no statutory function. However, the authority has informed me that it will seek to ensure that optimal runway capacity is available to meet emerging airline requirements and to best serve the country's aviation needs.

Air and Road Safety.

439. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question Nos. 481 of 16 December 2003 and 419 of 3 February 2004 which confirmed respectively that whereas 466 pedestrian fatalities occurred on roads here for each of the years 1998 to 2002 no third-party fatalities arose from aircraft crashes here during the very same period; if the €421,000 expended on the ERM report relating to purported public safety in the vicinity of airports here was a waste of taxpayers' moneys and that such scarce moneys would have been far better used for example on road safety measures relating to pedestrian safety or even employing more driver testers to help reduce the massive numbers of drivers with provisional licences on roads here; and if he will make a statement on the matter. [5394/06]

Minister for Transport (Mr. Cullen): The Government is fully committed to both road and aviation safety. Reducing the number of road fatalities and injuries continues to be a top priority for the Government and for my Department. Aviation, meanwhile, if it is to continue its excellent safety record so far, must maintain pace with the latest developments in safety practices worldwide. For that reason, the use of consultants such as ERM, is entirely appropriate.

440. **Mr. P. Breen** asked the Minister for Transport the background, commencement date and overall nature of the arrangement between his Department and the owners of a company (details supplied) in County Dublin that permitted the development of this massive complex, all of which is both directly under the busiest aircraft flight path here and, most critically, within the red safety area of runway 10/28; his views on whether the facilitation of such activities over the years by his Department is totally at odds with both the various safety edicts issued and numerous objections raised to various other lesser developments in the vicinity of Dublin Airport by his Department, Aer Rianta and the Irish Aviation Authority; and if he will make a statement on the matter. [5395/06]

Minister for Transport (Mr. Cullen): I understand that the ALSAA sports complex at Dublin Airport was developed by a trust comprising Aer Rianta and Aer Lingus employees at the time and not by Aer Rianta. The complex was granted planning permission by the relevant local authority and, when it was constructed in the mid-1980s, was located fully outside the red zone of the approach to the then future runway 28L. Following subsequent detailed design and construction of the runway, there resulted a minimal incursion into the zone of one corner of the constructed building. I am assured that this was not at variance with safety or planning policy at the time.

In January 2005 the Government approved the environmental resources management report on public safety zones at Cork, Dublin and Shannon Airports. The Department of the Environment, Heritage and Local Government is currently preparing guidelines to be issued to the appropriate local authorities regarding the public safety zones at those three State airports.

The development concerned and all such developments in the vicinity of airports are a matter for the local planning authority and, ultimately, An Bord Pleanála. I am not in a position to comment on the actions of the then Aer Rianta

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or the IAA, or on their objections, or the absence thereof, to particular developments.

Driving Licences.

441. **Mr. Deasy** asked the Minister for Transport if citizens of other European Union countries resident here are entitled to drive here using a driving licence issued by their country of origin; if so, if there is a time limit within which they must obtain an Irish driving licence; and if he will make a statement on the matter. [5399/06]

Minister for Transport (Mr. Cullen): The Road Traffic (Licensing of Drivers) Regulations 1999, provide that a person who holds a driving licence issued by the competent authority of a member state of the European Union or of the European Economic Area may drive any vehicle of the category in respect of which the licence has been granted for the period for which the licence has effect or, alternatively, on taking up residence in Ireland may exchange that driving licence for an Irish licence.

442. **Mr. Deasy** asked the Minister for Transport if non-EU citizens resident here are entitled to drive here using a driving licence issued by their country of origin; if so, if there is a time limit within which they must obtain an Irish driving licence; and if he will make a statement on the matter. [5400/06]

Minister for Transport (Mr. Cullen): Non-EU citizens who are temporary visitors to Ireland and who hold a national driving licence or an international driving permit may drive here for the duration of their visit. In this regard "temporary" may be regarded as a period not exceeding twelve months. An international driving permit means a valid and properly completed international driving permit issued to a visitor under the convention of 1949 by the competent authority of the state in which he or she resides, or by an association duly empowered by such an authority to issue such a permit.

Australia, Isle of Man, Japan, Jersey, South Africa, South Korea and Switzerland are recognised states for the purpose of driving licence exchange under the terms of Article 30(7) of the Road Traffic (Licensing of Drivers) Regulations, 1999. Under these regulations, persons holding a valid driving licence from a recognized state may exchange their licence for an Irish driving licence where they take up residence here, without the need for a driving test. Other non-EU citizens taking up Irish residence must undergo the driver theory test, obtain a provisional licence and pass the driving test in order to obtain a driving licence.

Vehicle Safety.

443. **Ms O. Mitchell** asked the Minister for Transport if a scheme to allow for the testing of imported vehicles before registration has been introduced; if not, the progress being made in regard to same; and if he will make a statement on the matter. [5482/06]

Minister for Transport (Mr. Cullen): In general, all new vehicles are subject to certain EU type-approval requirements before they can be registered and entered into service here.

Consideration is being given to the introduction of a scheme of testing of used imported vehicles to ensure that they are roadworthy and that they meet basic age-related emission standards.

444. **Ms O. Mitchell** asked the Minister for Transport if he intends to introduce a roadworthiness test for motorcycles; and if he will make a statement on the matter. [5483/06]

Minister for Transport (Mr. Cullen): There is little indication that vehicle condition is a major element in motorcycle collisions. While acknowledging this position, the road safety strategy 2004-06 provides for an examination to be carried out on the potential benefits of introducing a roadworthiness test for motorcycles. The question of introducing such a test will be considered in light of that examination.

Public Transport.

445. **Mr. O'Connor** asked the Minister for Transport the amount of Exchequer and EU funding given to the CIE group and its three operating subsidiaries, Iarnród Éireann, Dublin Bus and Bus Éireann for the operation of services and the replacement and development of rolling stock and infrastructure under the national development plan, the operational programme for transport and any other relevant capital development fund in each of the years 1995 to 2005; and if he will make a statement on the matter. [5531/06]

Minister for Transport (Mr. Cullen): The information is being compiled and will be forwarded to the Deputy.

446. **Mr. O'Connor** asked the Minister for Transport the number of new buses for Dublin Bus and Bus Éireann fleets for which funding is being provided under the National Development Plan 2000-2006. [5532/06]

447. **Mr. O'Connor** asked the Minister for Transport the number of rail kilometres being developed under the National Development Plan 2000-2006; and the number of new railcars, intercity trains and carriages being provided for the mainline rail system. [5533/06]

448. **Mr. O'Connor** asked the Minister for Transport the amount of yearly subvention from

the Exchequer provided to Dublin Bus over the past ten years. [5534/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 446 to 448, inclusive, together.

Under the rail safety programmes 1999-2003 and 2004-08, approximately 644 km of track has been upgraded to continuous welded rail. Almost 15 km of track was provided on the Maynooth line to upgrade the line to double tracking and provide a commuter service to the city centre. This was completed in 2000.

The network resignalling project was carried out in conjunction with the track upgrading and has led to improved safety, comfort and speed on the lines. The resignalling of the entire network will be completed by the end of 2007.

Iarnród Éireann is currently taking delivery of 67 new intercity carriages for deployment on the Cork route. These will be introduced into the service on a phased basis throughout this year, culminating in a hourly service on the route by the end of 2006.

The company also has 150 new intercity railcars on order, and will begin to take delivery of these in 2007. These railcars will be deployed across the intercity rail network and will realise the complete rejuvenation of Iarnród Éireann's fleet.

Under the NDP and Transport 21, Dublin Bus has purchased 530 new buses to date, of which 113 are additional and 417 are replacement buses. Some 268 of these buses were funded, partially and/or fully, by the Exchequer and 262 of them were funded from Dublin Bus's own resources.

Under the NDP, Bus Éireann has purchased 421 new buses to date, of which 65 are additional and 356 are replacement buses. The Exchequer funded 172 of these buses and 249 of them were funded from Bus Éireann's own resources. These buses improve the quality and reliability of the fleet as well as providing for increased services.

The following schedule sets out the amount of yearly subvention from the Exchequer provided to Dublin Bus over the past ten years.

Year	Dublin Bus
	€000
1996	4,635
1997	8,888
1998	11,294
1999	16,816*
2000	41,189
2001	54,316
2002	56,063
2003	53,867
2004	61,810
2005	64,900

* This figure includes €5.1million for Dublin Bus for operating costs for 150 new buses (supplementary estimate Dec 1999).

North-South Co-operation.

449. **Ms Shortall** asked the Minister for Transport the outcome of the British-Irish transport ministerial meeting on 9 February 2006; the progress made on the mutual recognition of penalty points and driver disqualification; and if he will make a statement on the matter. [5797/06]

Minister for Transport (Mr. Cullen): The ministerial meeting of the transport sectoral group of the British-Irish Council on 9 February 2006 reviewed progress to date on the group's work programme. Following the meeting I exchanged letters with the UK Minister of State for Transport in which we agreed to enter into bilateral arrangements on the mutual recognition of driving disqualifications as envisaged in the EU Convention on Driving Disqualifications, 98/C 216/01, in advance of the convention fully coming into force. Officials are now working towards introducing a bilateral agreement between the UK and Ireland later this year. The proposed agreement will allow the relevant administrations to recognise and take action on driving disqualifications occurring in the other jurisdiction.

Mutual recognition of driving disqualifications will tackle the most serious motoring offences. However, it was also agreed that officials should examine the prospects for greater co-operation in the treatment of other road traffic infringements the penalty for which falls short of disqualification. It was agreed that officials report back by the end of May, with a view to undertaking a study of the practical feasibility of co-operation on lesser road traffic infringements.

Road Haulage Industry.

450. **Ms Shortall** asked the Minister for Transport if he has sought approval from the EU regarding the proposed height restriction for larger vehicles; and if he will make a statement on the matter. [5799/06]

Minister for Transport (Mr. Cullen): I am currently considering a departmental report on whether to introduce a statutory height restriction for vehicles and I hope to take a decision in the matter shortly. In the event that it is decided to introduce a statutory height restriction for vehicles, the draft regulations to provide for such a limit will be sent to the European Commission for consideration and for referral to other member states in accordance with the technical standards and regulations directive, EU Directive 98/34.

Question No. 451 answered with Question No. 423.

Taxi Regulations.

452. **Ms Shortall** asked the Minister for Trans-

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port the number of taxi licences in operation in each of the years from and including the year 2000 to date in 2006. [5801/06]

Minister for Transport (Mr. Cullen): The licensing of small public service vehicles, including taxis, is currently governed by the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002. Under these regulations, small public service vehicle licences are granted and renewed by individual local licensing authorities. Information regarding the number of licensed taxis in each of the years 2000-04, based on information received by my Department from individual local licensing authorities, is indicated in the following table. Information on 2005 is not currently available.

Year	Total number of licensed taxis
2000 (at 21 November 2000)	3,934
2001 (at 31 December 2001)	9,257
2002 (at 11 December 2002)	11,630
2003 (at 31 December 2003)	12,845
2004 (at 30 June 2004)	13,563

453. **Ms Shortall** asked the Minister for Transport the statutory instruments made under the Taxi Regulation Act 2003. [5802/06]

Minister for Transport (Mr. Cullen): The following statutory instruments have been made under the Taxi Regulation Act 2003: Taxi Regulation Act 2003 (Part 4) (Appointed Day) Order 2003 (S.I. No. 517 of 2003); Taxi Regulation Act 2003 (Section 37(1))(Commencement) Order 2004 (S.I. No. 260 of 2004); Taxi Regulation Act 2003 (Part 2) (Establishment Day) Order 2004 (S.I. No. 523 of 2004); Taxi Regulation Act 2003 (Part 3) (Commencement) Order 2005 (S.I. No. 610 of 2005) and Taxi Regulation Act 2003 (Fees and Licensing) Regulations 2005 (S.I. No. 651 of 2005).

Departmental Websites.

454. **Ms Shortall** asked the Minister for Transport if he will arrange for all statutory instruments signed by him to be published on his Department's website as is the convention in some other Departments; and if he will ensure that the website is regularly updated as new statutory instruments are signed. [5803/06]

Minister for Transport (Mr. Cullen): My Department plans to redevelop and update its website later in the year. The suggestion of including a list of statutory instruments on the site will be considered in this context.

Community Support Scheme.

455. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if arrangements will be made for a person (details supplied) in Dublin 5 to have a home, which was recently subjected to two separate burglary attempts, fitted with an alarm and security light under the social alarms and security lighting scheme. [5122/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The scheme of community support for older people encourages and assists the community's support for older people by means of a community-based grant scheme to improve the security of its older members. The scheme is open to people aged 65 and over who have a genuine need for assistance under this scheme. Maximum individual grants are provided under the scheme as follows: €300 in respect of the once off installation cost of socially monitored alarms; €150 in respect of door locks, window locks and door chains €150 in respect of security lighting; and €50 in respect of smoke alarms.

The scheme is administered by local community and voluntary groups with the support of my Department. In order to apply for assistance, the individual in question should contact one of her local voluntary and community groups, a list of which follows, and request that they make an application on her behalf to the Department. Funding is not available for conventional intruder alarms under this scheme.

Organisations Administering Scheme of Community Support for Older People: Cabra East Neighbourhood Watch, 9 Leix Road, Cabra, Dublin 7 — (01) 868 1296; SVDP Pope John XXIII and Corpus Christi Conference, Phibsborough head office, 8 New Cabra Road, Phibsboro, Dublin 7 — (01) 838 4164; Finglas Cabra Council for Older People, Finglas Cabra partnership, Rosehill House, Finglas Road, Finglas, Dublin 11 — (01) 836 1666; Coolock Darndale Home Help Service, Cromcastle Health Centre, Cromcastle Road, Coolock, Dublin 5 — (01) 847 8410; St. Columbas Care Association Limited, Ethna Kernan, 2 Iona Crescent, Glasnevin, Dublin 9 — (01) 830 5239; TARGET, St. Kevin's Junior School, Newbrook Road, Donaghmede, Dublin 13 — (01) 867 1967; Beaumont Residents Association, 101 Coolgreena Road, Beaumont, Dublin 9 — (01) 639 0393; and Glasnevin North and District Residents Association, 17 Beneavin Drive, Dublin 11 — (01) 834 273.

Harbours and Piers.

456. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs when the extension of Dunquin pier and the building of a new pier on the Blasket Island will

commence; the amount of funding which has been allocated for these projects; if these works have been put to tender; if tenders have been accepted; and if he will make a statement on the matter. [4960/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I would like in the first instance to make it clear that committal of the funding for the piers on An Blascaod Mór and at Dún Chaoin will be contingent on the completion of the arrangements for the purchase of the island by the State. Subject to this, it is intended that my Department, in partnership with Kerry County Council, will be responsible for the development of the two piers. The county council is currently engaged in the process of selecting a contractor for the project through a public procurement process. Given the specialist nature of the marine works involved and the environmentally sensitive nature of the location of the proposed piers, a two-stage process of tender selection is being used by the council. The first stage, the pre-qualification process for the selection of suitable contractors, has been completed and four contractors have been qualified. The next stage will involve inviting these four to submit tenders for the works. I have been informed by Kerry County Council that this stage will commence when the land on the island is acquired by the State. As previously stated, I do not consider it appropriate, while the tender process is ongoing, that cost estimates for the project would be made public.

Decentralisation Programme.

457. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if, with regard to decentralisation proposals that are relevant to his Department, he is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5031/06]

458. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5046/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose taking Questions Nos. 457 and 458 together.

In 2004, the Department of Finance requested each secretary general and head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage. Since then, vacancies at this level, including those in this Department, have been filled by the top level appointments committee on the basis that the successful candidate will decentralise at the appropriate time.

I do not consider it appropriate to indicate the individual preferences of officers at this level in this Department but I can say that I am confident that there will be a sufficient cadre of people at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out. The senior management of my Department are all actively involved in the preparation of the implementation plans for decentralisation to meet the timescale emerging from the work of the decentralisation implementation group which is co-ordinating the effort.

Harbours and Piers.

459. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the funding that has been promised, to date in 2006, for a project (details supplied) in County Mayo; the amount of funding promised that has been spent to date in 2006; the position regarding the project; if a feasibility study has been carried out; if so, the outcome or recommendations of same; and if he will make a statement on the matter. [5197/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Under my Department's strategic Gaeltacht harbour scheme, a sum of €2.015 million was sanctioned to enable Mayo County Council to improve the harbour facilities at the location referred to by the Deputy. The Department of Communications, Marine and Natural Resources made a contribution of €500,000 towards the development. The works in question are now completed. No further development works are being considered at this location by my Department at this time, nor has any further funding been promised.

460. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the cost to his Department and to Mayo County Council in respect of a project (details supplied) in County Mayo; and the details for each category of expenditure. [5198/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Expenditure to date since 1998 by my Department and its predecessor, the Department of Arts, Heritage, Gaeltacht and the Islands, on the project to which the Deputy

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refers is shown in the attached table. Payments made to Mayo County Council are included. I understand from Mayo County Council that additional expenditure of €2,007 was incurred in 2003 in respect of auctioneers' fees. My officials are currently consulting with Mayo County Council regarding payment of any outstanding or potential bills in respect of this project.

Payments made from 1998 to date on a project (details supplied) by the Department of Community, Rural and Gaeltacht Affairs and its predecessor, the Department of Arts, Heritage, Gaeltacht and the Islands.

Year	Expenditure	Payee	Details
	€		
1998	32,824	Local Community Group	Preliminary planning costs
1999	24,806	Patrick J. Tobin & Co Ltd.	Review of proposal to provide facility
2000	4,335	Local Community Group	Preliminary planning costs
2000	46,781	Comhairle Chontae Mhaigh Eo	Preliminary report by Patrick J. Tobin and Co.
2001	2,649	Comhairle Chontae Mhaigh Eo	Costs relating to stenography service for An Bord Pleanála oral hearing
2002	22,234	Comhairle Chontae Mhaigh Eo	Consultancy costs relating to the Compulsory Purchase Orders
2002*	93,315	Comhairle Chontae Mhaigh Eo	Provision of three phase electricity
2004	3,500	Comhairle Chontae Mhaigh Eo	Costs for An Bord Pleanála solicitors
2005	25,676	Malachy Walsh & Partners	Review of Patrick J. Tobin & Co report of 1999
2005	3,014	Comhairle Chontae Mhaigh Eo	Site investigation and consulting services — Patrick J. Tobin and Co.
Total paid	259,134		

*The provision of 3 phase electricity involved an upgrade of basic infrastructure in the area which will be of benefit on a continuous basis to the community.

461. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an gceadóidh sé deontas le haghaidh botháin foscaidh a thógáil ag an gcé ag Leab Garbh ar Árainn Mhór, Dún na nGall, agus ag Cé Ailt a'Chorráin le foscadh a tabhairt do phaisinéirí an bháid farantóireachta. [5416/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Go dtí seo, níl aon iarratas faighte ag mo Roinnse ar chúnamh le haghaidh botháin foscaidh a thógáil ag an gcé ag Leab Garbh ar Árainn Mhór ná ag Cé Ailt a' Chorráin. Ach iarratas a fháil, déanfar é a mheas i gcomhthéacs an tsoláthair atá ar fáil do mo Roinnse le caitheamh faoi Chlár Oibre na nOileán 2006-07 agus na n-éileamh éagsúil ar an soláthar sin.

Scéim na mBoithre.

462. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an méid airgid a cheadaigh a Roinn le haghaidh bóithre ar Árainn Mhór, Contae Dún na nGall, i rith na bliana 2005, cad iad na bóithre a deisíodh agus cén méid a caitheadh ar gach bóthar acu sin. [5417/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Cheadaigh mo Roinnse deontas iomlán de €226,150 do Chomhairle Chontae Dhún na nGall i 2005 chun oibreacha feabhsúcháin a chur i gcrích ar aon bhóthar déag ar Oileán Árainn Mhóir. Tá sonraí na ndeontas sin, chomh maith le briseadh síos ar an gcaiteachas go data, sa tábla leis seo.

Oibreacha feabhsúcháin ar bhóithre ar Oileán Árainn Mhóir, Contae Dún na nGall, i 2005

Ainm an Bhóthair	Ceadaithe 2005	Íoctha 2005
	€	€
Cosaint chósta a neartú taobh leis an bhóthar ag Trá Aphoirt	3,750	0
Ón phríomhbhóthar go bóthar áise i mBaile na Sratha	5,600	0
Bóthar áise i bPlochóg	9,100	0
Bóthar áise i Screig	10,800	0
Ón phríomhbhóthar ag Scréig an tSeabhaic go dtí teach áirithe i bPoll a' Mhadaidh	11,900	0

Ainm an Bhóthair	Ceadaithe 2005	Íoctha 2005
	€	€
An Cuarbhóthar — paistí briste a athchóiriú agus dromchla tarra a chur orthu	15,000	0
Bóthar Bhaile Ard, cóiriú a dheanamh ar an chuid den bhóthar a thit isteach agus an balla coinneála a dheisiú.	15,000	15,000
An bóthar ó chrosbhóthar Pholl a' Mhadaidh a cheangal leis an gcuarbhóthar ag an Stáisiún RNLI	20,000	20,000
Bóthar áise i Leab Garbh	35,000	0
Droichead Bhaile na Trá go hAphort a dheisiú	40,000	0
Bóthar áise i bhFál a' Ghabhann a dheisiú	60,000	60,000
Iomlán	226,150	95,000

Community Support Scheme.

463. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money awarded to a group (details supplied) in County Meath for 2005, the amount outstanding to this group; and when same will be released to them. [5452/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): As the Deputy will be aware, decisions on the disbursements of funds from dormant accounts under the initial round of funding were a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board engaged Pobal, formerly Area Development Management Limited, to administer the initial round of funding on its behalf. Among the grants approved by the board was €112,000 to the group concerned for the purposes of delivering drug and alcohol misuse programmes.

Pobal is responsible for the delivery of grants on behalf of the board, including financial transfers and the monitoring of performance. In this regard, I understand that the group concerned has agreed a budget plan with Pobal and was paid the first instalment of the grant, €18,933, on 12 December 2005. Further instalments of the grant will be paid in accordance with the agreed budget plan, subject to the group concerned meeting its contractual requirements.

Grant Payments.

464. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Wexford lost entitlements for 2002 under the single farm payment; if measures will be taken to alter this decision; and if she will make a statement on the matter. [4963/06]

Minister for Agriculture and Food (Mary Coughlan): The Single Payment Scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000 to 2002, inclusive, and who received either received livestock premia or arable aid payments or a combination of the two in one or more of those years. The gross single payment is based on either the average number of animals or the average number of hectares in the case of arable aid or a combination of the two on which payments were made in the three reference years.

Under the livestock premia schemes, applicants were entitled to payment subject to a stocking density limit. In 2002, this limit was set at 1.9 livestock units per hectare. Under the 2002 area aid scheme, the person named declared 24.15 hectares of forage, which entitled him to payments on 45.88 livestock units. Under the 2002 special beef premium scheme, the person named applied on 41 animals, equivalent to 24.60 livestock units, each animal being deemed to represent 0.6 livestock units. Under the 2002 suckler cow premium scheme, the person named applied on five animals, equivalent to 4.20 livestock units, of three animals at 1.0 livestock units and two animals at 0.6 livestock units and, under the 2002 ewe premium scheme, the person named applied on 206, equivalent to 30.90 livestock units, each being deemed to represent 0.15 livestock unit. Therefore, as the total livestock unit value of the animals applied on, 59.70 livestock units, was in excess of the stocking density limit, 45.88 livestock units, the payments were accordingly restricted. The statement of entitlements provided to the person named reflects the payments made during the reference period.

Milk Quotas.

465. **Mr. Kehoe** asked the Minister for Agriculture and Food when a decision on an application for a person (details supplied) in County Carlow for quota from the milk quota appeals tribunal hardship cases will be made; and if she will make a statement on the matter. [5009/06]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal, which examines and makes recommendations on applications for additional quota from individual producers. The person named applied to the tribunal in the current 2005-06 quota year and the tribunal examined his application in January. It did not recommend an allo-

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cation of additional quota on that occasion and the person has been notified of this outcome.

Decentralisation Programme.

466. **Mr. Kenny** asked the Minister for Agriculture and Food if, with regard to decentralisation proposals that are relevant to her Department, she is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if she will make a statement on the matter. [5032/06]

467. **Mr. Kenny** asked the Minister for Agriculture and Food if the secretary general of her Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if she will make a statement on the matter. [5047/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 466 and 467 together.

In 2004, the Department of Finance requested each secretary general and head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. Since then, vacancies at this level in my Department have been being filled by the top level appointments committee on the basis that the successful candidate will decentralise at the appropriate time. I do not consider it appropriate to indicate the individual preferences of officers at this level in this Department but I can say that I am confident that there will be a sufficient cadre of people to provide continuity of leadership and management experience as the decentralisation programme proceeds.

Grant Payments.

468. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will be awarded the dairy premium payment for 2005. [5055/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The person named submitted an application for consideration in respect of the inheritance measure of the single payment scheme. This application was subsequently rejected as it was not a transfer of lands and entitlements by way of gift or inheritance.

An application to transfer 12.22 entitlements with a total net value of €712.06 from the spouse of the person named to the person named was received on 1 February 2006. This has now been processed and brings the total established entitlements inclusive of dairy premium due to the person named to 12.22 entitlements with a net value of €2,597.36. As this case is now fully processed, payment will issue shortly.

469. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food her views on whether there is full justification for the *force majeure* application for retention of dairy cow premium for a person (details supplied) in Cork south west; and if she will ensure that the case made for an allowance for the special circumstances of their case is accepted. [5080/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application on 29 October 2004 for consideration under the *force majeure*, exceptional circumstances, measure of the single payment scheme with regard to the dairy premium. Having assessed the application, the person named was advised by my Department that the circumstances outlined did not fulfill the *force majeure* criteria laid down in Article 19 of Commission Regulation (EC) No 795/2004. The person named availed of the opportunity to appeal this decision to the single payment appeals committee. Following consideration of the appeal, the committee upheld the decision.

Farm Waste Management.

470. **Mr. Naughten** asked the Minister for Agriculture and Food when she intends to introduce the new farm waste management grants; if the building specifications will differ from the previous scheme; the rates of payment of the new grant; and if she will make a statement on the matter. [5085/06]

Minister for Agriculture and Food (Mary Coughlan): The revised farm waste management scheme will be introduced as soon as the required EU State aid approval is received from the EU Commission. The matter was one of the subjects I discussed last week with Commissioner Fischer Boel during my meeting with her in Brussels. Subject to receipt of this approval, the scheme will: provide for an increase in the current standard grant rate from 40% to 60%, with 70% being available in the four Zone C counties; be extended to include horses, deer, goats, pigs and poultry, and mushroom compost; permit all small farmers to participate in the scheme by the removal of any minimum income requirements from farming from the scheme; and provide for an increase in the maximum eligible investment ceiling from €75,000 to €120,000.

My Department's technical specifications are being amended to take account of the extension of the scheme to sectors such as pigs and poultry, which have not previously been eligible for grant aid under the scheme.

Grant Payments.

471. **Mr. Aylward** asked the Minister for Agriculture and Food if her attention has been drawn to the anomaly in the regulations governing the

single farm payment scheme whereby farmers who have let their land lose all of their entitlements if the lessee refuses to activate the entitlements; if the regulations under this scheme to protect such farmers will be amended; and if she will make a statement on the matter. [5138/06]

Minister for Agriculture and Food (Mary Coughlan): The single payment scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000 to 2002, inclusive, and who received livestock premia and/or arable aid payments in one or more of those years. There is provision under the EU regulations governing the single payment scheme for the transfer of entitlements by way of lease or sale. Entitlements cannot be leased without land. They can only be leased out if accompanied by at least an equivalent number of hectares of eligible land. A lease agreement may be considered as a lease of entitlements with land if a clause is included in the lease agreement indicating that the farmer intends to lease entitlements with the land. Both parties to the lease must complete and submit a specific application form to my Department for the transfer of entitlements, along with the completed SPS application.

Research Funding.

472. **Mr. Naughten** asked the Minister for Agriculture and Food the amount of funding that has been drawn down under the research, technology and innovation measure in the national development plan; if she will provide a breakdown of the funding allocated and drawn down for each year of the plan; and if she will make a statement on the matter. [5171/06]

Minister for Agriculture and Food (Mary Coughlan): Details of allocations and draw downs under the research, technology and innovation measures for agriculture, food and forestry under the national development plan are set out in the following tables:

Food Industry Measures

Year	Amount awarded/allocated*	Amount paid
	€m	€m
2000	24.09	3.81
2001	13.10	6.85
2002	13.67	9.48
2003	4.07	12.46
2004	16.50	8.31
2005	18.87	9.43
Total	90.30	50.34

*Multi-annual projects payments made within 3-4 years

Forestry Research Measure

Year	Amount awarded/allocated	Amount paid
	€m	€m
2000	1.11	0.48
2001	1.30	0.98
2002	1.31	1.71
2003	1.70	1.75
2004	2.35	2.44
2005	2.50	2.34
Total	10.27	9.70

Agriculture Research

Research Stimulus Fund

Year	Amount awarded/allocated	Amount paid
	€m	€m
2000	—	—
2001	2.14	0.55
2002	1.99	0.53
2003	—	0.59
2004	—	0.64
2005	—	1.05
Total	4.13	3.36

Teagasc Research

Year	Amount awarded/ allocated	Amount paid
	€m	€m
2000	7.77	7.59
2001	7.93	7.93
2002	8.08	8.08
2003	8.25	8.25
2004	8.41	8.41
2005	8.58	8.58
2006 (to date)	8.75	1.46
Total	57.77	50.30

Food Industry.

473. **Mr. Naughten** asked the Minister for Agriculture and Food the amount of funding allocated and drawn down by Bord Bia under the marketing and promotion measure guaranteed under the national development plan each year; the amount paid out under this heading in company grants by Bord Bia each year from 2000 to date in 2006; and if she will make a statement on the matter. [5172/06]

Minister for Agriculture and Food (Mary Coughlan): The accompanying table sets out the funding allocated and paid by Bord Bia under the marketing and promotion measure of the National Development Plan 2000-2006.

Year	Amount awarded/allocated	Total amount paid	Company grants paid
	€m	€m	€m
2000	6.167	6.167	Nil
2001	6.537	6.537	1.116
2002	6.735	6.735	0.813
2003	4.545	4.545	0.973
2004	4.707	4.707	0.350
2005	4.825	4.825	0.298
2006	4.945	1.250 (to date)	0.025 (to date)

474. **Mr. Naughten** asked the Minister for Agriculture and Food the amount of funding allocated by her Department under the community enterprise support scheme, to allow for the development of community-based enterprises in the food sector each year from 2000 to date in 2006; and if she will make a statement on the matter. [5173/06]

Minister for Agriculture and Food (Mary Coughlan): The community enterprise scheme is funded by the Department of Enterprise, Trade and Employment. My Department has been in contact with that Department regarding the development potential of the scheme for local community-based food enterprises.

Grant Payments.

475. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the single payment awarded to a person (details supplied) in County Galway is so low in view of the fact that he had 32,000 gallons milk quota in 2000 and drew headage grants in 2001 and 2002; and if she will make a statement on the matter. [5174/06]

Minister for Agriculture and Food (Mary Coughlan): The single payment scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000, 2001 and 2002 and who were paid livestock premia and/or arable aid payments in one or more of those years. The gross single payment is based on the average number of animals and/or the average number of hectares, in the case of arable aid, on which payments were made in the three reference years.

The person named submitted an application for an allocation of entitlements from the single payments scheme national reserve under categories C and D.

Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold their milk quota into the milk quota restructuring scheme and converted their enterprise to a farming sector for which a direct payment under livestock premia/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.

It should be noted that the rules governing the single payment scheme stipulate that an applicant who is found to be eligible under more than one category in the reserve may only receive an allocation of entitlements under whichever category is most beneficial to him or her.

Over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications 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 his applications are fully processed when formal letters setting out my Department's decision will be issued.

476. **Mr. Lowry** asked the Minister for Agriculture and Food when single farm payment will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [5184/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for consideration in respect of the inheritance measure of the single payment scheme. Following processing of his application he was notified that his application was successful and payment will issue shortly.

477. **Mr. McGuinness** asked the Minister for Agriculture and Food if the dairy premium payment will be awarded to a person (details supplied) in County Kilkenny. [5218/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the single payment scheme was received from the person named on 16 May 2005. Payment of €4,964.12 issued on 1 December 2005 and payment of the

decoupled dairy premium element of €2,668.63 will issue shortly.

Computer Software.

478. **Mr. Naughten** asked the Minister for Agriculture and Food if there are problems with the computer software in use for processing the single farm payment; and if she will make a statement on the matter. [5424/06]

Minister for Agriculture and Food (Mary Coughlan): My Department began making single farm payments on 1 December and over 118,000 farmers were paid in excess of €1 billion in the lead up to Christmas. This provided a very important boost to the rural economy and gave a good head-start to our farming sector in the challenging years ahead.

The rules of this scheme are extremely complex. Each farmer's entitlement is based on the unique history for that farm over the reference period. Farmers were allowed in some cases to apply for different reference years or claim *force majeure*. The system must also to cater for cases where ownership or usage changed due to inheritance, sale and leasing and so forth. Applications are subject to inspection and the EU requirements in this area are very complex.

The development of the SPS computer system was a mammoth undertaking and in order to minimise the inherent risks, it was decided to develop the system on a phased basis, thus allowing it to be rigorously tested and any teething problems to be ironed out before moving on to the next phase. Phases one to three provided functionality to calculate the farmer's entitlements, to process applications and inspections and finally to make payments to farmers. Further phases will be introduced in 2006 to process the national reserve, trading of entitlements and the new cross compliance regulations. Internet access to applications, entitlements and maps will also be provided to farmers in early 2006.

I am happy to report that my Department continues to be in the forefront in the delivery of the computer systems to support direct payments to farmers across the EU and I am confident that the additional software will be delivered on time and within budget in 2006.

The SPS computer project was the recipient of the Inside Government Innovation award for best Government to business project. This furthers highlights my Department's exceptional success in introducing this system.

Grant Payments.

479. **Mr. Naughten** asked the Minister for Agriculture and Food when the single farm payment will be issued to a farmer (details supplied) in County Donegal; the reason for the delay; and if she will make a statement on the matter. [5425/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application form for consideration in respect of the private contract clause measure of the single payment scheme. The necessary amendments have now been made and payment will issue shortly.

Animal Welfare.

480. **Mr. Gormley** asked the Minister for Agriculture and Food if import licences are required for all animals imported into the Republic of Ireland for use in circuses performing here; and if so, if her Department is responsible for granting such licences. [5458/06]

481. **Mr. Gormley** asked the Minister for Agriculture and Food the details of animals imported into the Republic of Ireland for use in circuses here in 2004 and 2005 including the species, the number, their country or countries of origin and the circuses to which they were attached. [5459/06]

482. **Mr. Gormley** asked the Minister for Agriculture and Food the number of inspections of circuses operating here that were carried out in 2005. [5460/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take question Nos. 480 to 482, inclusive, together.

My Department is responsible for issuing the import licences required for animals imported for use in a circus and for ensuring that the imported animals comply with the appropriate health certification requirements. Licences are issued in accordance with the Rabies (Importation, Landing and Movement of Animals) (Amendment) Orders 1972-1976.

The following animals were licensed for import into Ireland by circuses in 2004 and 2005.

2004

Type of Animal	Number	Origin
Elephants	5	France
Elephant	3	Germany
Camel	1	Germany

2005

Type of Animal	Number	Origin
Elephant	7	Germany
Elephant	3	France
Elephant	2	Italy
Rhinoceros	1	Italy
Hippopotamus	1	Italy
Camel	1	Germany
Llama	8	Germany

[Mary Coughlan.]

My Department's responsibility with regard to the regulation of circuses is confined to licensing the importation of circus animals. It has no responsibility for the inspection of circus animals.

Health and Safety Regulations.

483. **Mr. Gormley** asked the Minister for Agriculture and Food the person who is responsible for investigating health and safety issues in circuses when a member of the public or a circus worker is injured by a circus animal; and the role her Department would have. [5461/06]

484. **Mr. Gormley** asked the Minister for Agriculture and Food if there was an investigation into an incident in June 2005 when a person (details supplied) was seriously injured; and if so, the findings of same. [5462/06]

485. **Mr. Gormley** asked the Minister for Agriculture and Food if there was an investigation into incidents in June and July 2005 where the same monkey in a circus bit persons (details supplied); if so, the findings of same; if an import licence had been granted in respect of the monkey involved; and what has happened to the monkey since these incidents. [5463/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take question Nos. 483 to 485, inclusive, together.

Health and safety issues of the nature referred to by the Deputy are matters for the Health and Safety Authority. My Department's responsibilities with regard to circuses are confined to issuing import licences for circus animals and ensuring compliance with the appropriate health certification requirements. Licences are issued in accordance with the Rabies (Importation, Landing and Movement of Animals) (Amendment) Orders 1972-1976.

My Department is not aware of the incident in June 2005 to which the Deputy refers in Question No. 484 and, in any event, my Department would not have any responsibility for such an incident.

In relation to the second incident, in June and July 2005, in which it was reported that persons were bitten by a monkey, my Department conducted an investigation in order to ascertain the origin of the monkey and any potential health risk. The monkey concerned was located and removed to a quarantine facility where, in consultation with Health Services Executive, appropriate samples were taken from the monkey for screening. The results of all these tests proved negative and following confirmation that the monkey was disease free, it was returned to its owner. As the monkey was born in Ireland, the issue of an import licence did not arise.

Milk Quota.

486. **Mr. Noonan** asked the Minister for Agriculture and Food the status regarding an application to the milk quota appeals tribunal hardship case for a person (details supplied) in County Limerick; when the matter will be finalised. [5470/06]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal examines and makes recommendations on applications for additional quota from individual producers. The person named applied to the tribunal in the current 2005-06 quota year and the tribunal examined his application in January. It did not recommend an allocation of additional quota on that occasion and the person has been notified of this outcome.

487. **Mr. Hayes** asked the Minister for Agriculture and Food when people who have applied under the national reserve for the single payment scheme will be notified of their entitlements. [5485/06]

Minister for Agriculture and Food (Mary Coughlan): 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 notify applicants of the outcome of their applications in early March.

Grant Payments.

488. **Mr. Lowry** asked the Minister for Agriculture and Food when a dairy premium will issue to a person (details supplied) in County Tipperary; the reason for the delay in issuing payment. [5515/06]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for consideration in respect of the inheritance measure of the single payment scheme. Following processing of his application he was notified that he was successful. An initial payment issued to him on 16 December 2005. A further payment in respect of the decoupled dairy premium will issue to the person named shortly.

489. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application for the single payment scheme for a person (details supplied) in County Galway; and if she will make a statement on the matter. [5516/06]

Minister for Agriculture and Food (Mary Coughlan): No single payment has been established for the person named as he was not farm-

ing and in receipt of direct payments during the 2000-02 reference period.

The person named submitted an application for an allocation of entitlements from the single payments scheme national reserve under category D. 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.

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. The Department will be in touch with individual applicants as soon as their applications are fully processed when formal letters setting out the Department's decision will be issued.

490. **Mr. Walsh** asked the Minister for Agriculture and Food if payment of the single farm payment will be made to a person (details supplied) in County Cork. [5786/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 10 May 2005. The herd owner also applied to have his entitlements consolidated under the 2005 single payment scheme. Following examination of the consolidation application, it was noted that the number of eligible hectares declared by the person named on his 2005 single payment application is greater than the number of entitlements established by him in the reference years. Therefore, there is no requirement for the person named to consolidate his entitlements.

The person named also applied for consideration in respect of the inheritance/new entrant and the private contract clause measures of the single payment scheme. Following processing of his applications he was advised that both the new entrant measure excluding the year 2000 from the calculation of his single payment and the private contract clause applications were successful. Payment was issued to the person named reflecting his amended single payment on 10 February 2006.

491. **Mr. Connaughton** asked the Minister for Agriculture and Food the result of an appeal of the sheep premium by a person (details supplied) in County Galway. [5811/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2004 ewe premium scheme, in respect of 608 ewes, was received from the person named on 24 December 2003. During an on-farm inspection on 3 March 2004, a total of 482 animals were presented, of which 75 were grazing on lands which were not part of the declared lands in the application form of the person named, as required under the EU regulations governing the scheme, leaving a shortfall of 126 animals. The person named was advised that as this represented a shortfall of 26% , under the EU regulations governing the scheme, no payment was due in respect of the scheme year in question.

The person named appealed this decision to the agriculture appeals office and, following an oral hearing held on 24 November 2004, it was found that the decision of the Department to refuse payment in the 2004 EU ewe premium scheme application was appropriate. The person named was notified of this outcome in writing on 3 December 2004.

492. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan will receive the remainder of their single payment entitlement; and if she will make a statement on the matter. [5813/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted applications for consideration in respect of the new entrant and inheritance measures of the single payment scheme. Following processing of his applications he was notified that his new entrant application could not be accepted as he had farmed during all three of the 2000-02 reference years. He was notified that his inheritance application was successful and payment in respect of the transferred entitlements will issue shortly.

Vehicle Registration.

493. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the number of checks which have been carried out by the Garda Síochána in respect of foreign vehicles imported here; if they are fully compliant with Irish vehicle registration tax, road tax and insurance obligations; the number of such checks which have identified non-compliant vehicles; the figures for each year from 1998 to date in 2006 on an annual basis; and if he will make a statement on the matter. [5016/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that compilation of the information requested by the Deputy would require a disproportionate amount of Garda time and resources and could not be justified in the circumstances.

Asylum Support Services.

494. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the annual cost per head of providing accommodation for asylum seekers; and if he will make a statement on the matter. [5437/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In December 1999, when the direct provision system was first introduced, the rates paid to the providers of this full board accommodation ranged from €10,400 per person per annum to €17,888 pppa. Since then the reception and integration agency of my Department has negotiated significant reductions in the rates paid.

Currently, payments in the commercial sector for direct provision accommodation fall within the range €9,828 to €11,960 per person per annum. Payments for the provision of self-catering accommodation for asylum seekers fall within the range €6,952 to €7,644 pppa and the standard rate paid in respect of accommodation within State-owned centres falls within the range €4,353 to €7,036 pppa. This figure does not include maintenance at these sites. The number of applications for asylum in Ireland has fallen from a high of 11,634 in 2002 to 4,323 in 2005, a decrease of 63%.

Communications Masts.

495. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will provide details of the benefits that accrue to the Garda Síochána or to individual members of the force including the provision of mobile phone handsets or free or low rate calls arising from contractual arrangements in respect of the placement of telecommunications antennae on telecommunications masts that are in the ownership of the State, such as those adjacent to Garda stations. [5763/06]

529. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the benefits that accrue to the Garda Síochána or to individual members of the force including the provision of mobile phone handsets and free or low rate calls arising from contractual arrangements made between a telecommunications company and his Department or the Office of Public Works regarding the placement of telecommunications antennae on telecommunications masts on or adjacent to Garda stations. [5512/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 495 and 529 together.

Last year the Office of Public Works entered into a new licence agreement with telecommunications operators for the utilisation of the State property portfolio, including Garda masts. There is no direct benefit accruing to the Garda Síochána in the agreement apart from the replacement of masts and ancillary equipment as provided for under the agreement. However, there is a separate arrangement with the Office of Public Works, with the consent of the Department of Finance, for the transfer of a portion of the rental income from the OPW to the Garda Vote to defray the costs and input of the Garda Síochána in the process.

Prior to this, an non-exclusive agreement was signed with ESAT Digifone on 25 June 1997 for the use of Garda masts to place its antennae for mobile telephony. The Office of Public Works, the Garda Síochána, this Department and the Department of Finance were signatories to the agreement. The agreement expires in June 2007.

The agreement provides that the company make an annual payment to the OPW to place antennae on Garda masts. In addition to the annual licence fee, a number of mobile telephony services are provided by the company to the Garda Síochána. The agreement at the outset provided for the provision of 300 new handsets with connection without charge to the network and also connection for an additional 150 handsets to the network with free calls within the network. An additional 100 connections are provided without charge. In July 2001 the Garda Síochána exercised an option under the agreement to increase the total number of connections to 1,000 in accordance with the terms of the agreement.

The agreement also provides for the company to replace Garda masts were applicable. To date a total of 128 masts have been replaced providing significant benefits to the force which utilises the same masts for its own communications needs.

Garda Deployment.

496. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of accidents, injuries and fatalities for the year 2004; the number of Garda speed traps in the year 2004; the cost of providing these speed traps and the revenue generated from penalty points and convictions arising out of said speed traps on the Stillorgan Road. [4967/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There were 33 material damage, eight non-serious injury, three serious injury and no fatal traffic collisions on the Stillorgan Road in the year 2004. During the same period on the Stillorgan Road, 71 speed operations conducted.

The information requested by the Deputy in respect of the cost of providing, and revenue arising from, the speed checks is not readily available. The amount of time it would take to compile such information would entail the disproportionate use of resources and could not be justified.

497. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if all additional Gardaí being attached to the traffic corps are newly recruited and trained gardaí from Templemore or if some of them are existing members of the force; if so, the breakdown of the allocation of gardaí since the setting up of the

traffic corps; and the projected breakdown of the allocation for 2006. [4968/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Personnel allocated to the Garda traffic corps are selected from existing available resources in each division. Newly appointed gardaí are not allocated to traffic corps duties following completion of the initial training period. The divisional breakdown of the traffic corps at 31 January 2006 is as follows:

Garda Traffic Corps at 31 January, 2006

Division	Number
Dublin Metropolitan Region South Central	21
Dublin Metropolitan Region North Central	16
Dublin Metropolitan Region North	17
Dublin Metropolitan Region East	17
Dublin Metropolitan Region South	18
Dublin Metropolitan RegionWest	18
Dublin Metropolitan Region Traffic Unit	138
Waterford/Kilkenny	16
Wexford/Wicklow	16
Tipperary	13
Cork City	24
Cork North	14
Cork West	15
Kerry	14
Limerick	18
Donegal	22
Cavan/Monaghan	16
Sligo/Leitrim	15
Clare	13
Mayo	16
Galway	23
Roscommon/Galway East	16
Longford/Westmeath	14
Louth/Meath	28
Carlow/Kildare	21
Laois/Offaly	15
Total	574

While the members of the Garda Síochána assigned to the traffic corps are specifically dedicated to traffic duties, they remain full police officers and, as such, retain the general responsibility for preventing and detecting crime which all members of the Garda Síochána have. Similarly members of the Garda Síochána not members of the traffic corps have the responsibility, *inter alia*, to deal with traffic duties when breaches of road traffic law occur. Gardaí spend two years training at the Garda college. The focus of such training is on all areas of policing. Garda management will not allow a situation to arise where the establishment of the traffic corps would lead to the gardaí who are members of it having no regard to other policing duties regardless of seriousness if and when they arise in the course of carrying out their duty, and similarly gardaí who are not members not having regard to traffic policing duties. The allocation of Garda resources, including personnel, is the responsibility of the Garda Commissioner.

Proposed Legislation.

498. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the crime of blasphemy will be defined; and if he will make a statement on the media organisations that inflame and degrade the Muslim faith here. [4982/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Article 40.6.1(i) of the Constitution provides for the offence of blasphemy. In addition, section 13 of the Defamation Act 1961 provides penalties for the offence. However, as noted by the Supreme Court in the case of Corway *v*. Independent Newspapers (Ireland) Limited [1999] 4IR 484, no definition of the offence of blasphemy exists in Irish law.

The position on this constitutional offence has been the subject of review for some time. The Law Reform Commission, in its report on the crime of libel in 1991 recommended that the offence should not be retained. This recommendation was endorsed by the constitutional review group, the report of which is being considered by the All-Party Committee on the Constitution at present. It is my intention, subject to current legislative priorities and any future recommendations of the all party committee on this matter, to formulate legislative proposals to define the scope and essential ingredients of the offence. Formulating an appropriate definition of blasphemy will be no easy task bearing in mind the constitutional guarantees of freedom of expression and equality of religious beliefs.

With regard to the Deputy's remarks on media organisations that "inflame and degrade the Muslim faith", this gives rise to questions that require sensitivity and responsibility on all sides. I emphasise that the guarantee of freedom of expression is a core feature of a free society and, as such, enjoys constitutional protection. That is not to say, however, that the right of freedom of expression is absolute or that it should be used or abused in an attempt to denigrate others or their beliefs. I remind the Deputy, therefore, that the provisions of the Prohibition of Incitement to Hatred Act 1989 criminalise the publication of material designed to stir up hatred, including hatred against a group of persons in the State or elsewhere on account of their religion. This applies equally to protect all faiths and all religions.

Garda Deployment.

499. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if recent complaints regarding strangers in cars approaching children in an estate (details supplied) in Dublin 9 will be monitored by him and the Garda Síochána; and if these matters will be investigated. [4983/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Local Garda management is aware of recent complaints regarding strangers in cars approaching children in the estate in question and the surrounding area. The gardaí have put in place an investigation team to investigate these matters fully and extensive enquires are being carried out in the area concerned, including interviewing all known witnesses. All local gardaí have been fully briefed concerning the allegations and are continuing to be vigilant regarding persons and vehicles acting suspiciously.

Visa Applications.

500. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 1152 of 25 January 2006, when a holiday visa application will be lodged for a person (details supplied) in County Clare; and if he will make a statement on the matter. [4986/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa applications in question have been assessed by my officers in New Delhi. In assessing applications of this type, the visa officer will consider, among other factors, whether the level of salary of the worker would come within the ambit of qualifying for payment from public funds. In this regard, the criteria set by the Department of Social and Family Affairs for eligibility for family income supplement payment — FIS — have been used. The criteria, which may change from time to time, are available on that Department's website at *www.welfare.ie/publications/sw22.html*.

If the level of the worker's income as evidenced by his or her payslips or P60 would qualify for FIS payments, the application for a visa is generally refused. The visa officer will expect to see sufficient evidence of the financial status of the application, in the form of P60 for the most recent tax year, several payslips, and detailed bank statements covering, at a minimum, a two to three month period. The documentation suppled should demonstrate a consistent financial history and evidence of regular income.

In the case of visa required family members of non-EEA national workers, the general rule is that after the worker has been in the State for 12 months and has been offered employment for a further 12 months, he or she may be joined by his or her family. This is subject to the worker being able to support the family without recourse to public funds.

The procedures for dealing with visa applications from family members of work permit holders who wish to join the worker in question in the State are under consideration as part of ongoing developments with the Irish naturalisation and immigration service. The visas have been refused for reasons of finances as it is evident from the financial information provided that the family can seek recourse to public funds and resources. It is open to the applicant to appeal the decision within two months of the notification of the refusal to New Delhi.

Residency Permits.

501. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if the application of a person (details supplied) in County Wexford for permission to remain here will be reviewed; and if he will make a statement on the matter. [4997/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question applied for permission to remain in Ireland on the basis of having an Irish born child prior to 1 January 2005, in accordance with the revised arrangements announced by me on 15 January 2005. His application is being reviewed and I will notify the Deputy when the outcome of the review is known.

Citizenship Applications.

502. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if the declaration of acceptance of post-nuptial citizenship filed on 8 March 2005 for a person (details supplied) in Cork South West will be processed and completed. [5008/06]

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 8 March 2005 from the person referred to in the Deputy's question. Processing of the declaration has commenced and it is likely that the case will be finalised within the next couple of months. I will advise both the Deputy and the person concerned when the matter has been completed.

Decentralisation Programme.

503. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if, in respect of decentralisation proposals that are relevant to his Department, he is satisfied that sufficient numbers of staff at Secretary General and assistant secretary general level are currently willing to decentralise; and if he will make a statement on the matter. [5033/06]

504. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if the Secretary General of his Department has consulted with officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5048/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 503 and 504 together.

Under the Government's decentralisation programme, there are no general service posts at Secretary General level or assistant secretary level within my Department, which are due to decentralise. There are, however, four posts at assistant secretary level or higher within the justice and equality sector which, along with the four offices in question, are scheduled for decentralisation. All four post-holders will decentralise with their offices. All recent appointments to assistant secretary level posts in my Department are on the basis that the person appointed must be prepared to serve in any of the Department's decentralised locations as appropriate.

Residency Permits.

505. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application to remain here in the name of a person (details supplied) in County Carlow; if the paper work and certificate of registration has been updated; and if he will make a statement on the matter. [5067/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Romanian national, arrived in the State on 22 June 1998 and applied for asylum. His application was refused by the Office of the Refugee Applications Commissioner on 29 February 2000. His subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and he was notified of this recommendation by letter on 27 September 2000.

In accordance with section 3 of the Immigration Act 1999, the person concerned was informed on 27 September 2000 that the Minister proposed to make a deportation order in respect of him. He was, in accordance with the Act, given the option of making representations within 15 working days, setting out the reasons he should not be deported, that is, be allowed to remain temporarily in the State; leaving the State before the deportation order was made; or consenting to the making of the deportation order.

On 1 November 2000, representations were received on his behalf. On 12 September 2001, as an exceptional measure, he was granted humanitarian leave to remain for one year. This leave to remain has been renewed every year until 31 December 2005. On 13 January 2006 the person concerned wrote to my Department requesting a renewal of his leave to remain. This application is receiving consideration and I expect a decision to issue to the individual concerned shortly.

Closed Circuit Television Systems.

506. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if a closed circuit television system will be approved for Listowel, County Kerry, due to the increase in incidents of anti-social behaviour in the town; and if he will make a statement on the matter. [5070/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that all applications for Garda CCTV town centre systems must be prepared in co-operation with the local Garda district and divisional officers and must receive their full support. The application is then considered by the CCTV advisory committee which makes a recommendation, through the Garda Commissioner, to me. Applications are assessed by the committee on the basis of Garda operational needs against the following objective criteria: crime-public order statistics in an area; population and level of activity in the area; the recommendation of local Garda management; any special circumstances or needs that exist; and the likely impact of a Garda CCTV system on the area.

The Garda authorities advise that, to date, no formal application for a Garda CCTV system in Listowel has been received by the CCTV advisory committee. It is open to any organisation in Listowel to submit such an application to the committee through their local Garda divisional officer.

As the Deputy may be aware, I launched the community based CCTV scheme last year in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The purpose of the scheme is to support local communities which wish to install and maintain CCTV security systems in their area, with the aim of increasing public safety and reducing the risk of anti-social and criminal activity. The closing date for receipt of applications was 20 September 2005.

Under this scheme, communities could apply of grant aid funding of up to €100,000 from the Department to install a CCTV system in their area. In addition, the Department of Community, Rural and Gaeltacht Affairs gave a commitment to provide successful applicants from RAPID areas with a further grant to a maximum of €100,000 subject to the total grant aid from both Departments not exceeding €200,000 or 100% of the capital costs of the project, whichever is the lesser.

The community based CCTV scheme offered two stages or options which were designed to meet the requirements of communities in both these scenarios. Stage 1 offered pre-development

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supports and possible funding for organisations-groups which were not yet ready to develop their proposals fully or utilise funds. The stage 2 process offered a direct application process to access funds to those organisations which could demonstrate an ability to develop and deliver a CCTV programme immediately.

More than €1 million in grant aid has already been allocated to 37 communities under the scheme and many of these could see their CCTV systems in operation before the end of the year. I plan to make a further call for proposals under the scheme in the coming months and it is open to community groups in Listowel to submit an application for funding under the scheme when it is announced.

Residency Permits.

507. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if an application for residency will be granted to a person (details supplied) in County Kildare. [5074/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 10 June 2000. She made an application for asylum on 28 November 2000. This application was refused on 24 October 2001 and appealed on 14 November 2001 to the Refugee Appeals Tribunal. Her application for asylum was withdrawn on 11 December 2001 indicating that she was voluntarily returning to her country of origin as her mother was ill. She did not return under the voluntary repatriation scheme and on 1 February 2002 she was issued a notification of proposal to deport from the State under section 3 of the Immigration Act, together with the refusal to grant a declaration or refugee status.

Furthermore, a work permit was granted for the person in question from 7 December 2001 valid to 6 December 2002. She registered with the Garda national immigration bureau on 21 January 2002 and was granted permission to remain until 6 December 2002. Her work permit was not renewed after this date and she did not obtain any further period of permission to remain in the State on that or any other basis since.

She made an application for permission to remain in the State on the basis of her marriage to an Irish national in October 2005. Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. Applications of this type are dealt with on a strict chronological basis and in fairness to all other applicants are currently taking approximately 16 months to process.

508. **Mr. Eoin Ryan** asked the Minister for Justice, Equality and Law Reform the position regarding an application of a person (details supplied) in Dublin 8 for leave to remain here on humanitarian grounds; and if he will make a statement on the matter. [5109/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned entered the State on a "D" employment visa on 4 May 2002 and was granted permission to remain until 4 June 2002. She subsequently attended at her local immigration office and was granted permission to remain until 11 April 2003 in line with the duration of her work permit. She married a non-EEA national on 13 November 2002. Her spouse was granted humanitarian leave to remain in the State on 20 September 2002. No mention of his change in marital status was made when an application for an extension of his permission to remain was received in August 2003, nine months after the marriage had taken place. It should be noted that there is no provision by which the person concerned can apply to remain in the State on the grounds that her husband has been granted humanitarian leave to remain.

The legal representatives of the person concerned were informed by letter dated 7 May 2003 that there was no provision by which their client may apply for permission to remain in the State on the basis of her marriage and should she wish to continue in employment in the State her employer would need to apply for a renewal of her work permit. As this person's entitlement to remain in the State has expired, officials in my Department will be in contact with the person concerned outlining the options now open to her.

Public Order Offences.

509. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the proposal to give the Garda Síochána more jurisdiction in dealing with noisy neighbours and noise pollution will be investigated; and if he will work with the Department of the Environment, Heritage and Local Government on this matter. [5121/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position remains as set out in my answer to Parliamentary Question No. 158 of 2 February 2006. The legislation on noise pollution is a matter for my colleague. the Minister for the Environment, Heritage and Local Government. His Department has issued a leaflet, A Guide to the Noise Regulations, which outlines the steps which can be taken when a person is experiencing nuisance caused by noise.

This is primarily a civil matter and as such is outside the remit of the Garda Síochána. However, when the Garda receives a complaint about neighbours causing noise, it can request them to lower noise levels. The Garda powers in this regard relate to ensuring that a breach of the peace does not occur. Complainants may also be advised by the Garda of their civil entitlements under section 108 of the Environmental Protection Agency Act 1992. This legislation was

enacted to make further and better provision for the protection of the environment and control of pollution and to establish the Environmental Protection Agency.

A local authority, the agency or any person may complain to the District Court regarding any noise, which is so loud, continuous, repeated and of such duration or pitch or occurring at such a time, as to give reasonable cause for annoyance. The court may order the person or body making the noise to take the measures necessary to reduce the noise to a specified level or take measures to limit or prevent the noise. An authorised person, shall, for any purpose connected with the Act, be entitled, at all reasonable times, to enter any premises and to bring therein such other persons, including members of the Garda Síochána. An offence under the Act may be prosecuted summarily by the Environmental Protection Agency. I am not aware of any proposal to amend these provisions.

Asylum Support Services.

510. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if it is intended to change the categorisation of refugees and asylum seekers at a location (details supplied) in County Mayo to one of single males only; if so the reason for such change; if his attention has been drawn to the social concerns expressed as a consequence from a community that has worked diligently at integration and cultural programmes with families, women and children to date in 2006; and if he will make a statement on the matter. [5130/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, of my Department is responsible for the accommodation of asylum seekers and currently has a portfolio of 67 centres across the State for this purpose. In March 2005 a total of 8,080 asylum seekers were being accommodated by the RIA. Approximately 3,500 residents applied for leave to remain in the State under the Irish born children measures announced on 17 December 2004. Almost all of these residents have now left the RIA accommodation and as of 3 February 2006 there were 4,858 asylum seekers resident in accommodation centres. This drastic reduction, in a relatively short space of time, in the numbers requiring accommodation has led to a temporary over-supply of accommodation.

In addition, the numbers and profile of persons seeking asylum has changed dramatically. There is now a larger number of single persons seeking asylum in the State as opposed to families and RIA accommodation must both reflect and plan for this reality. In order to address the reduction in numbers and the change in profile, the RIA embarked on a programme of downsizing of its accommodation portfolio. This is intended to bring supply and demand into balance and will include the re-classification of some of the accommodation centres to optimise usage and obtain value for money. This downsizing has seen a number of centre closures during 2005 — 15 centres with a combined capacity of 833 beds. To date in 2006, two centres have been closed with a combined capacity of 200 beds and further closures-re-classifications are planned.

In the case of the centre in question the RIA considered it to be suitable for possible re-classification from family to single person accommodation. The centre consists of two buildings — the Railway Hotel and an annex located on the opposite side of the road — and it was intended to place males in one building and females in the other. As part of the reclassification of this centre, the RIA intended to relocate its families to other centres where they could benefit from special facilities for children and young people, including pre-school facilities. The decision to re-classify the centre was made in early January 2006 and following this a number of support groups contacted the RIA on the matter.

At all times the RIA is concerned to minimise disruption to residents and the local community while maintaining its commitment to efficient and effective use of the overall accommodation portfolio. Following further consideration the RIA recently agreed that the families currently residing at the centre will be allowed to remain there, at least until the end of the current school year. However, arrangements are also currently being made to allow for the accommodation of some males at the centre. The RIA will initially make up to ten placements in the annex at this location and monitor the arrangements on an ongoing basis. Discussions have taken place with various groups such as Irish Rural Development, Le Chéile Support Group, Intercultural Ireland Castlebar and St. Aidan's national school and we understand there is now a greater acceptance of the proposed new arrangements.

The RIA currently has in its accommodation portfolio 17 male only centres and no significant issues have arisen at these locations. In addition, the RIA has embarked on the re-classification of a portion of some of its larger family centres in order to accommodate single persons alongside families in counties Sligo, Meath and Monaghan. Such reclassifications are always carefully undertaken in consultation with relevant parties, especially the operators of the centre concerned. Given the population base of the town of Kiltimagh and its environs and based on past experience, the RIA does not consider that the re-classification of this centre should pose problems. Unless the RIA can make proper use of the accommodation centre, in line with its requirements, it will not be a viable economic proposition to continue the contract with the possible resultant loss of jobs and an indirect negative impact on the local economy, namely, suppliers of goods and services.

Registration of Title.

511. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform when an application (details supplied) will be processed; and if he will make a statement on the matter. [5146/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Residency Permits.

512. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if the case of a person (details supplied) in County Donegal will be reviewed. [5159/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was to enable the husband of a non-EEA national to come and reside with her in the State. The non-EEA national concerned was granted permission to remain in the State on the basis of parentage of an Irish born child from 2001. Having given full consideration to the application the visa officer was not satisfied that an adequate relationship history existed prior to the marriage. The financial information provided led the visa officer to conclude that insufficient finances were available.

The general policy provision which does not allow persons granted residency on the basis of parentage of an Irish born child be joined in the State by other family was also considered appropriate in this case. An appeal against the refusal of the visa application was received but the visa appeals officer, having re-examined the visa application and additional information provided, upheld the original decision. No further review can be facilitated at this time. It is open to the applicant to make a fresh application enclosing up to date supporting documentation and the application will be considered anew.

Garda Reserve Force.

513. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the basic premise that the powers of a member of the Garda reserve force should be reflective of the number of hours training received; and if he will make a statement on the matter. [5186/06]

514. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the powers which a member of the Garda reserve force will have; and if he will make a statement on the matter. [5187/06]

515. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the period and type of training which a member of the Garda reserve force will have to undergo; his intentions in this regard; and if he will make a statement on the matter. [5188/06]

518. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the directions or instructions which he has given to the Commissioner of the Garda Síochána regarding the proposed Garda reserve force, including directions regarding the appropriate level of training; and if he will make a statement on the matter. [5191/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 513 to 515, inclusive, and 518 together.

Section 15 of the Garda Síochána Act 2005 provides for the establishment of a Garda reserve and Deputies will recall that the measure won widespread support in the House during the passage of the Act. The Act lays special emphasis on training for members of the Garda reserve. It provides that the power to appoint persons to the Reserve may only be exercised if the Commissioner has submitted proposals to the Minister for Justice for the training of persons to be appointed and regulations have been made concerning their recruitment, training and terms and conditions. The Act also provides that a person may not be appointed to the reserve unless he or she has completed the prescribed training. It is also the case under the Act that the Garda Commissioner may determine the range of powers to be exercised and duties to be performed by reserve members. A reserve member will be bound by all the same legal, disciplinary and ethical obligations as a regular member.

In July 2005, the month the Garda Síochána Act was enacted, the Garda Commissioner wrote to me proposing a Garda reserve with a strength of 4,000 members. By way of response, and in the context of advising the Garda Commissioner of the Government's policing priorities for 2006, I set the objective of recruiting 900 reserve members by September of this year. I have just received the Commissioner's proposals for the Garda reserve and I can advise the Deputy that these proposals specifically address issues relating to the training, powers and duties of reserve members. I understand, also, that in drawing up these proposals the Commissioner has looked to the successful experience of volunteer police in the UK and other jurisdictions. It would not be appropriate for me to comment further on the detail of the proposals before I have had an opportunity to examine them closely and consult the Commissioner on them, as required. Following examination of the Commissioner's proposals, I will draw up the necessary regulations for the approval of Government under the Act and, as part of that process, consultations will be held with the Garda representative associations.

The Garda reserve will be a supplement to, and emphatically not a replacement, for gardaí. Proof

of this is the current increase in the strength of the force from 12,000 to 14,000 members. This programme is well under way and will lead to a combined strength of both attested gardaí and recruits in training of 14,000 by the end of this year. The Garda budget is also at an all time high. This year's allocation of €1.29 billion represents an increase of 13% on the allocation for 2005. It includes provision of more than €83.5 million for overtime, an increase of €23 million on last year's allocation, which will yield more than 2.7 million hours of Garda overtime for frontline policing throughout the State.

The Garda reserve will be a valuable additional support for the Garda Síochána. It will enhance its capacity to respond to emerging policing challenges and reinforce its links with local communities. At a time when gardaí increasingly do not live in the areas tat they police, the Garda reserve will be a valuable source of local strength and knowledge. The proposal for the reserve has the support of the Oireachtas and, I believe, the public. I have undertaken to consult constructively the Garda representative associations on the proposals and I will ask them, for their part, to undertake to respect the clear will of the Oireachtas in this matter and engage positively in those consultations.

Computerisation Programme.

516. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the benchmark, such as a response time, which is used to measure or assess the efficiency of the PULSE system; and if he will make a statement on the matter. [5189/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): PULSE is a co-ordinated proprietary system which replaced a range of older computer and paper-based systems to enable a single entry system and on-line access to information thereby maximising its use throughout the Garda organisation. The resulting scale and complexity of the PULSE system means that no one specific benchmark is used to measure or assess the performance of the system. Rather, there are a variety of different response times depending on the type of transaction and the volumes associated with that transaction. The Garda Síochána informs me that all performance criteria agreed with the contractor were signed off prior to the contract being completed.

The PULSE system provides the Garda Síochána with unprecedented support in its operational and strategic roles. As with all major IT systems, periodic hardware replacement and software upgrades are required. This process is nearing finalisation with consequential further improvement to the stability and performance of the system.

Refugee Legal Services.

517. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the cost of each judicial review of the decisions of the Refugee Appeals Tribunal for 2002 to 2005, inclusive. [5190/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information required is being compiled and I will write to the Deputy shortly with a full reply in this matter.

Question No. 518 answered with Question No. 513.

Garda Operations.

519. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the cost per hour of having a Garda helicopter fly over the city of Dublin during evening rush hour as part of Operation Freeflow; the cost for having that helicopter engaged in that way during December 2005 (details supplied); and if he will make a statement on the matter. [5192/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the approximate cost per flying hour for the Garda helicopter, excluding the aircrew, is €1,000 per hour. This figure includes all other operating costs and is in line with internationally accepted operating costs for a helicopter operating in a police environment.

The total number of hours flown by the Garda helicopter for Operation Freeflow during the month of December 2005 was 12, with an approximate cost of €12,000. I have been further informed by the Garda authorities that the total approximate operating cost for the Garda helicopter, including aircrew, for Operation Freeflow during the month of December 2005 was €12,990.

Registration of Title.

520. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if there is an application pending on a folio (details supplied); and if so, when it will be completed. [5194/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

Public Order Offences.

521. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform when he will respond to the issues raised by an association (details supplied) in County Kerry at a meeting on 1 December 2005; and if he will make a statement on the matter. [5367/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A meeting was held involving the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, Deputies from the Kerry North constituency and members of the Tralee Taxi Drivers Association on 1 December 2005 concerning anti-social behaviour and related public order issues in Tralee. I am aware of the issues which were raised.

Following the meeting, the Garda Commissioner was informed of the issues raised at the meeting and his response requested. I am following up the matter with the Commissioner. The secretary of the Tralee Taxi Drivers Association has been informed accordingly.

Planning Issues.

522. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the Explosives Act 1875 contains a provision in respect of explosives factories that the owner of either an existing or proposed factory must either own or have sufficient control of lands surrounding such facility in order to obtain a licence from his Department; his proposals to amend this requirement on the part of such factory owners that might lead to a diminution of third party property rights on adjoining third party lands covered by the licence; and if he will make a statement on the matter. [5391/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 383 of 6 December 2005.

As the Deputy will be aware a licence for the establishment of an explosives factory granted under the 1875 Act applies only to the site of the factory as specified in the application. The licence does not apply to third party lands adjoining the site specified in the application.

All factory licences specify minimum safety distances which must be maintained between an explosives factory and nearby developments and all factory licences include a condition which terminates the authorisation to store explosives where such distances cannot be maintained.

Civil Service Code of Standards.

523. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 534 of 8 November 2005 if a code of conduct applies to public servants with particular reference to those becoming aware of a breach of the law or serious wrongdoing; if such public servant is both morally and legally obliged to report such matters to an appropriate body; if so, to whom such matters should be reported; and if he will make a statement on the matter. [5392/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Department of Finance in co-operation with the Standards in Public Office Commission developed the Civil Service code of standards and behaviour which was promulgated in September 2004. This code, as required by the Standards in Public Office Act 2001, to a large extent is a compilation of various circulars which set out the rules governing behaviour of civil servants known as the "personnel code". While not superseding the existing circulars contained in the personnel code, the Civil Service code of standards and behaviour sets out in a single document the main principles which should govern the behaviour of civil servants and the values which the civil service wishes to espouse. It applies to all civil servants, mine included. Its implementation is monitored by the Standards in Public Office Commission.

With reference to civil servants reporting breaches of the law, section 6.2 of the Civil Service code of standards and behaviour states that civil servants, who have doubts about the legality of a particular action which they are required to take in the course of their official duties, should refer the matter to their superiors. It is then the responsibility of the supervisor or superior officer to issue a direction on the matter, following legal advice where necessary.

It should be noted, however, that there is no general obligation upon civil or public servants to report misconduct, breaches of duty or criminal behaviour they come across in the course of their duties. They may, however, like other citizens, report such matters to the Garda Síochána or to the Standards in Public Office Commission.

Immigration Controls.

524. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the medical and character checks that are carried out on immigrants from non-EU countries at the time of their entry here; and if he will make a statement on the matter. [5427/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Provision is made in the Immigration Act 2004 for an immigration officer to authorise a non-national to land in the State. Section 4(3) of the Act enumerates 11 circumstances under which an immigration officer may, on behalf of the Minister for Justice, Equality and Law Reform, refuse to grant a person permission to land in the State.

In performing his or her functions with regard to the granting, or refusal to do so, of a permission to land in the State, an immigration officer shall, in accordance with the provisions of Section 4(10), have regard to all of the circumstances of the non-national concerned known to the officer or represented to the officer by him or her.

Included among the reasons on which a refusal to enter the State may be based, are circumstances where an immigration officer is satisfied that a non-national suffers from a condition set out in the First Schedule to the Act. Among the other reasons on which a refusal to grant a permission can be based, are a number relating to character, such as a non-national having been convicted of a criminal offence.

The First Schedule to Immigration Act 2004 states:

Conditions referred to in section 4(3)(c)

1. Diseases subject to the International Health Regulations for the time being adopted by the World Health Assembly of the World Health Organisation.

2. Tuberculosis of the respiratory system in an active state or showing a tendency to develop.

3. Syphilis.

4. Other infectious or contagious parasitic diseases in respect of which special provisions are in operation to prevent the spread of such diseases from abroad.

5. Drug addiction.

6. Profound mental disturbance, that is to say, manifest conditions of psychotic disturbance with agitation, delirium, hallucinations or confusion.

Section 3(3) of the Immigration Act 2004 states:

An immigration officer or a medical inspector appointed under this Act shall have power to enter or board any vessel, and to detain and examine any person arriving at or leaving any port in the State who is reasonably believed by the officer or inspector to be a non-national, and to require the production of a passport or other equivalent identity document by such person, and shall have such other powers and duties as are conferred upon him or her by this Act.

Asylum Applications.

525. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the cost to the Exchequer of refugees and asylum seekers in each of the years 2002 to 2005, inclusive; and if he will make a statement on the matter. [5428/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The costs arising from the provision of services to refugees and asylum seekers are primarily a matter for the individual Departments and agencies with responsibility for such services. However, the most recent information available to me indicates that the amount spent on services for refugees and asylum seekers was in the region of €341 million for 2002, €353 million in 2003 and €375 million in 2004. I am advised, however, that a proportion of these costs covers services provided to non-nationals generally such as by the immigration area of my Department. The equivalent figure for 2005 is currently being compiled and is not yet available.

However, in 2005, the total cost to my Department of asylum and immigration services was approximately €136 million. This included costs directly associated with the processing of asylum applications by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal and also expenditure on, for example, the provision of accommodation for asylum seekers by the Reception and Integration Agency and the operation of the immigration and deportation process.

While any continued reduction in the number of asylum applications can be expected to have an impact on the level of resources allocated to services for asylum seekers in the future, expenditure in this area will need to be maintained at an appropriate level so as to ensure the timely processing of applications. In addition, the provision of key immigration related services generally will continue to require an adequate level of resources so as to ensure that these also continue to be provided in an efficient and effective manner. This will include resources, for example, for the operation of the deportation process and for the processing of applications for visas and citizenship, all of which have been on the increase in recent years.

Citizenship Applications.

526. **Mr. English** asked the Minister for Justice, Equality and Law Reform the position regarding applications for persons (details supplied) in County Dublin; and if he will make a statement on the matter. [5449/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned applied for permission to remain in the State on the basis of having an Irish-born child prior to 1 January 2005, in accordance with the revised arrangements announced by me on 15 January 2005. It is a requirement under the revised arrangements that the applicant is resident with their child in the State on a continuous basis since the child's birth and that evidence of such residence be provided with each application. In this case, the child was born in the State on 27 May 2003. The applicant mother left the State with her child in September 2004 and did not return until February 2005. The persons concerned do not meet the criteria for the granting of permission to remain in the State under the revised processing arrangements in so far as continuous residency is concerned and their applications were refused on this basis.

527. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform if permission has been granted to persons (details supplied) to remain here under the new arrangements in place; and if he will make a statement on the matter. [5476/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 27 January 2006, the persons concerned were granted permission to remain in the State on the basis of having an Irish-born child prior to 1 January 2005, in accordance with the revised arrangements announced by me on 15 January 2005.

528. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kilkenny is entitled to apply for citizenship or long stay here with a right to work. [5493/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the person referred to by the Deputy first arrived in the State in August 2004 has been granted permission to reside in the State until July 2006 on the basis of her marriage to an Irish citizen. This permission allows the person concerned to take up employment here. The extension of this permission will be considered closer to the expiry of the current permission.

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 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; 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 the context of naturalisation certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1996.

Further information on the naturalisation process may be obtained from my Department's website, *www.justice.ie*, or by telephoning the citizenship section helpline on Tuesdays or Thursdays between 10.00 a.m. to 12.30 p.m. at lo-call 1890 551 500 or (01) 6167700.

Question No. 529 answered with Question No. 495.

Registration of Title.

530. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for a person (details supplied) in County Sligo. [5540/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

531. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for persons (details supplied). [5541/06]

532. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for persons (details supplied). [5542/06]

533. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for persons (details supplied). [5543/06]

534. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for a person (details supplied). [5544/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 531 to 534, inclusive, together.

I have requested the Land Registry to contact the Deputy directly concerning the current position of the applications in question.

535. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for a person (details supplied) in County Leitrim. [5545/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

536. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered for a person (details supplied) in County Leitrim. [5546/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

537. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a schedule number and folio number will be registered for a person (details supplied) in County Leitrim. [5547/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

Asylum Applications.

538. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will make a decision on leave to remain for a person (details supplied); and if he will make a statement on the matter. [5597/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 9 August 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 9 March 2004 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 was made; or consenting to the making of a deportation order. His case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

Garda Stations.

539. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform his plans to improve the service offered to the public from Inistioge Garda station, County Kilkenny; if proper public lighting will be provided at this station; and if he will make a statement on the matter. [5660/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Waterford-Kilkenny division as at 9 February 2006 was 342, all ranks. The personnel strength of the Waterford-Kilkenny division as at 31 December 1997 was 307, all ranks. This represents an increase of 35 or 11.4% since that date.

I am further advised that the personnel strength of Inistioge Garda station as at 9 February 2006 was one garda, and that the station is open to the public from 4 p.m. to 5 p.m. daily except on Tuesdays, when it opens from 10 a.m. to 12 p.m. for the purpose of signing forms.

Plans for the replacement of the public access call box, PACS, or "Green Man" units with modern technology have commenced in sub-district Garda stations and replacements will be carried out on a priority basis. The provision of public lighting is a matter for the relevant local authority.

It is the responsibility of the divisional officer for the Waterford-Kilkenny division to allocate personnel within the division. The allocation of such resources throughout the division is determined by a number of factors, including demographics, administrative functions, crime trends and other operational policing needs. Garda management will continue to appraise the policing and administrative strategy employed in the 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.

The Garda Commissioner will now be drawing up plans for the distribution of these additional resources and, in this context, the needs of Inistioge Garda station will be fully considered in the context of the needs of Garda stations throughout the country.

540. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform his plans to increase Garda numbers in villages and towns in County Kilkenny where increases in the population have been significant and where there is no

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Garda station; and if he will make a statement on the matter. [5661/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Waterford-Kilkenny division as at 9 February 2006 was 342, all ranks. The personnel strength of the Waterford-Kilkenny division as at 31 December 1997 was 307, all ranks. This represents an increase of 35 or 11.4% since that date.

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In this regard, I am 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. Garda management states that during the allocation of the newly attested personnel, the needs of the Waterford-Kilkenny division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

Tribunals of Inquiry.

541. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he has received an indication as to the likely publication date for the Barr tribunal report into the shooting dead of a person (details supplied) in County Longford; and if he will make a statement on the matter. [5805/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Officials of my Department have been in contact with Mr. Justice Barr's staff and the latest indication is that the report will be ready for publication in mid-March 2006.

Garda Deployment.

542. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the office of each person here who is entitled to have a Garda driver; the number of such Garda drivers; the office of each person who is entitled to have Garda security on their home; the people who avail of the security; the number of the Garda Síochána who are allocated to such duties; and if he will make a statement on the matter. [5808/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): For obvious security reasons, it is not the practice and it would be contrary to the public interest to reveal the extent and level of Garda protection duties in respect of officeholders.

543. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of embassies which have Garda security; the number of the Garda Síochána allocated in each case; if there has been any reduction or increase in recent times; and if he will make a statement on the matter. [5809/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): For obvious security reasons, it is not the practice and it would be contrary to the public interest to reveal the extent and level of Garda protection duties in respect of embassies.

Homeless Persons.

544. **Mr. Deasy** asked the Minister for Education and Science the funding made by her Department to provide assistance for homeless people here; the total of all such funding in each of the years 2002, 2003, 2004 and 2005; and if she will make a statement on the matter. [5421/06]

Minister of State for the Department of Education and Science (Ms de Valera): My Department supports a number of initiatives that provide assistance, directly or indirectly, for the homeless. Under the special projects for youth scheme, grant-in-aid is made available to a number of organisations and groups for specific projects which seek to address the needs of young people who are disadvantaged due to a number of factors, including homelessness.

Projects are administered on the ground, largely by grant administering agencies which include vocational education committees and national and major regional youth organisations. There are 177 projects in receipt of funding under this scheme. Focus Ireland, with a particular out-

reach focus, receives funding under the scheme via the City of Dublin Youth Services Board-City of Dublin VEC. The funding received supports three areas of work: street outreach, the extension day centre and an education project. The allocations in respect of Focus Ireland for the last four years were as follows:

Focus Ireland — Allocations

Year	€
2002	674,537
2003	704,891
2004	733,087
2005	791,734
Total	2,904,249

The further education section of my Department also provided funding for City of Dublin VEC from 2002 to 2005 for a homeless project in Dublin city. Programmes are run both on-site for homeless services with programmes in place in hostels, B&Bs and day services, and in City of Dublin VEC education centres. This is part of the integrated strategy on homelessness and City of Dublin VEC is working in partnership with the homeless services and other agencies to increase the access to education for those who are homeless. Programmes are available for single people and also for special needs groups and are run on weekdays, weekends and evenings. The allocations made for this purpose were as follows:

Year	€
2002	68,123
2003	121,000
2004	270,000
2005	290,000
Total	749,123

My Department is also involved in an inter-departmental initiative: the youth homeless strategy monitoring committee. From an education perspective, the Department of Education and Science is directly involved in the education and training sub-group which concentrates on the educational needs of homeless youth.

School Curriculum.

545. **Mr. Healy-Rae** asked the Minister for Education and Science if she will introduce safe driving techniques as part of the school curriculum at second level due to the number of deaths of young people that has occurred on roads here; and if she will make a statement on the matter. [5466/06]

Minister for Education and Science (Ms Hanafin): The question of introducing a road safety and driver education syllabus into schools has been examined by the National Council for Curriculum and Assessment, NCCA, on foot of a report from a task group set up in 2000 and which included representatives of the Department of Education and Science, the Department of the Environment, Heritage and Local Government, the National Safety Council, the Garda Síochána, the Irish Insurance Federation, the Society of the Irish Motor Industry, Rosary College Crumlin, the CCEA Northern Ireland and the NCCA. The NCCA also commissioned a study of driver education in post-primary schools from Dr. Ray Fuller of Trinity College Dublin.

The NCCA, whose role is to advise the Minister for Education and Science on curriculum and assessment issues, recommended that road safety be addressed within the context of social, personal and health education and that driver education, specifically learning to drive for pupils aged 17, should not become part of the school curriculum. The NCCA noted that this concurred with the practice in other jurisdictions.

At the start of the 2001-02 school year the National Safety Council, with assistance from my Department, distributed copies of Staying Alive, a road safety resource for transition year and the senior cycle, to all second level schools. This pack contained a wide range of learning opportunities and activities on topics such as personal responsibility and decision-making, environmental issues and risks and rules for road users. A CD-ROM with additional material downloaded from the Internet was included in the pack, with copies of the Rules of the Road. In the preparation of the Staying Alive resources material, views were sought from a range of organisations with interests in the promotion of road safety. Prior to its issue to second level schools, the material was piloted in 20 schools and the response from teachers in those schools was very positive. A new high level Government road safety group, of which I am a member, has met and the role of education in addressing road safety will be discussed in this forum.

Irish Summer Colleges.

546. **Mr. Gormley** asked the Minister for Education and Science the policies, procedures or directives her Department has in place regarding the teaching and caring for children who are learning Irish in the Gaeltacht during the summer; if her Department has a safety statement regarding these children's health and safety; and if she will make a statement on the matter. [4959/06]

Minister for Education and Science (Ms Hanafin): Irish summer colleges provide courses in the Irish language for children during the summer months. These colleges are privately run institutions. My Department, however, does provide grant aid on a capitation basis to these colleges to help reduce tuition costs. My Department has in place a set of rules for the payment of grants to Irish summer colleges. The rules state that the steering committee of each summer college must "ensure that special care is taken as regards the safety of the students during the whole of the course in particular on roads, during organised events on playing areas and during swimming events in the sea and in swimming pools. A written policy must be formulated and implemented to prevent child abuse, bullying and anti-social behaviour. A copy of such policy must be available to Inspectors and other representatives of the Department". In addition, my Department has forwarded copies of the Department's guidelines on bullying and child protection guidelines and procedures to all recognised Irish summer colleges which are required to comply with the guidelines and procedures.

Schools Building Projects.

547. **Mr. Aylward** asked the Minister for Education and Science if approval will be given to the application for funding for a new school by the board of management of a school (details supplied) in County Kilkenny. [4998/06]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of an application for a new building from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large-scale projects. Progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

Special Educational Needs.

548. **Mr. F. McGrath** asked the Minister for Education and Science if the resource teaching hours will be improved for a person (details supplied) in Dublin 3; and if they will receive the maximum support with their learning disability. [5006/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education, NCSE, which has been operational since 1 January 2005, is responsible for processing applications for special educational needs supports. More than 70 special educational needs organisers or SENOs have been recruited throughout the country and are a focal point of contact for schools and parents. My officials have been in contact with the NCSE and the local SENO and I understand that the pupil in question is in receipt of support from the school's learning support-resource teacher. The NCSE has not received any application from the school for further resources in respect of this child.

Schools Building Projects.

549. **Mr. Stanton** asked the Minister for Education and Science the schools that were successful in their applications for funding under the devolved grant initiative in 2005; the amount each school received; the cost of the respective projects being undertaken by each school; the amount to be made up in each case by way of local contribution or parental subscription or otherwise; and if she will make a statement on the matter. [5021/06]

Minister for Education and Science (Ms Hanafin): Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money. The two devolved initiatives, the small schools initiative and the permanent accommodation initiative, were originally introduced on a pilot basis. Due to the positive feedback from schools, they were extended to cover more schools in the last two years.

The initiatives are not structured on the basis that the Department funding must be supplemented by local fundraising. They do, however, allow a school to supplement the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out. A school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly, where a school has a known level of resources, apart from the Department funding, or knows its capacity to raise additional resources, it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available, there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within these devolved initiatives rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The

time to identify a problem is at the outset before entering any contract. Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined. Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved initiative and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating. The feedback has in general been very positive, the number of schools participating has increased year on year and many schools are anxious to be included. In 2005 alone, 155 schools accepted invitations to participate in the two devolved schemes. I intend to maintain this momentum and I am planning to invite more schools to participate in these initiatives in 2006. I expect to make an announcement in that regard shortly. The specific information sought by the Deputy is being assembled and will be forwarded as soon as possible.

Decentralisation Programme.

550. **Mr. Kenny** asked the Minister for Education and Science if, in relation to decentralisation proposals that are relevant to her Department, she is satisfied that sufficient numbers of staff at secretary and assistant secretary level are currently willing to decentralise; and if she will make a statement on the matter. [5034/06]

551. **Mr. Kenny** asked the Minister for Education and Science if the Secretary General of her Department has consulted officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if she will make a statement on the matter. [5049/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 550 and 551 together.

In 2004 the Department of Finance requested each Secretary General or head of office to discuss the question of decentralisation with his or her senior officers at assistant secretary level. In total, up to 60 posts at this level are due to relocate under the decentralisation programme. The decentralisation implementation group reported in September 2004 that, at that stage, 19 individuals indicated that they would move or were likely to move and a further 19 would consider moving at a later stage.

Since then, vacancies at this level, including in this Department, are being filled by the top level appointments committee on the basis that the successful candidate will decentralise at the appropriate time. I do not consider it appropriate to indicate the individual preferences of officers at this level in my Department but I am confident that there will be a sufficient cadre at this level to provide continuity of leadership and management experience as the decentralisation programme is rolled out in the coming years. The senior management of my Department are all actively involved in the preparation of the implementation plans for decentralisation to meet the timescale emerging from the work of the decentralisation implementation group which is co-ordinating the effort.

Special Educational Needs.

552. **Mr. McGuinness** asked the Minister for Education and Science if a laptop will be provided for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [5053/06]

Minister for Education and Science (Ms Hanafin): My Department has not received an application for the provision of a laptop in respect of the pupil referred to by the Deputy. My Department operates a scheme of grants towards the purchase of equipment for the use of pupils in second level schools who have been diagnosed as having serious physical and/or communicative disabilities of a degree which make ordinary communication through speech and/or writing impossible for them. The purpose of the scheme is to provide the pupils in question with equipment of direct educational benefit to them. Examples of such equipment include computers, word processors, tape recorders, software and so on. School management authorities have been circularised to ensure that they are fully informed of the terms of the scheme. Under the terms, all applications in respect of individual pupils should be submitted by the relevant school management authority to the special educational needs organiser or SENO with assigned responsibility for the school.

Schools Building Projects.

553. **Mr. McGuinness** asked the Minister for Education and Science, further to Parliamentary Question No. 454 of 31 May 2005 regarding a school (details supplied) in County Kilkenny, if the demand for places has been assessed; if so, her plans in relation to the provision of a new school building or approval for refurbishment work to the existing prefabs; and if she will make a statement on the matter. [5058/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the school planning section of my Department is carrying out an examination of primary and post-primary provision in the area where the school is located

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to determine long-term demand for pupil places and how best this demand can be met from an infrastructural viewpoint. The school to which the Deputy refers is included in this review which is still under way.

Special Educational Needs.

554. **Mr. McGuinness** asked the Minister for Education and Science if home tuition has been granted in the case of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [5059/06]

Minister for Education and Science (Ms Hanafin): As the Deputy may be aware, home tuition is intended to provide compensatory instruction for pupils with a medical ailment that is likely to cause major disruption to their attendance at school on a continuing basis. Home tuition has been extended as an interim support for children with a significant special educational need pending the provision of an appropriate school based educational service.

The inability to attend school regularly is the basis on which an application for home tuition may be made to my Department. Grant approval is based on the application details of each case and a recommendation from the Department's professionals, if required.

My Department considers that school-based education provision is the most appropriate intervention for all children, including those with special educational needs. In this regard, home tuition is only intended as an interim measure until a suitable school placement is secured. The pupil in question is enrolled in a mainstream primary school, with five hours resource teaching and the added support of a special needs assistant or SNA. Therefore, under the terms of the scheme, the pupil is no longer eligible for home tuition.

Schools Building Projects.

555. **Mr. J. O'Keeffe** asked the Minister for Education and Science if her attention has been drawn to the urgent need to sanction an extension to a school (details supplied); the steps she will take to issue the appropriate approval; if she will ensure that there are no further delays in dealing with the matter. [5082/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension at the school has been received from the school referred to by the Deputy. The project is being considered in the context of the school building and modernisation programme 2006-2010.

556. **Mr. Penrose** asked the Minister for Education and Science the reason her Department continues to take such an entrenched view in relation to providing the necessary additional funding for a school (details supplied); if this matter will be reviewed with a view towards giving the board of management the additional moneys to allow the school to be finished; and if she will make a statement on the matter. [5083/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €350,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money. The initiative is not structured on the basis that the Department funding must be supplemented by local fundraising. It does, however, allow a school to supplement the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated.

The Department does not define the precise works to be carried out. A school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources, apart from the Department funding, or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However, if the scope of works is not set appropriately from the outset based on the budget available, there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within the devolved initiative rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a problem is at the outset before entering any contract. Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined. Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved initiative and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating. An appeal for additional funding by the school in question was considered by the appeals board and it is satisfied

that under the terms of the scheme, the school does not warrant additional funding. The board of management has been informed of the position.

School Accommodation.

557. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 481 of 29 November 2005, if funding will be approved for the application submitted to her Department; and if she will make a statement on the matter. [5087/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has made an application for funding under the additional accommodation scheme 2006. All applications under this scheme are being examined in the school planning section of my Department. The list of successful applicants will be published when the assessment process is completed.

Schools Building Projects.

558. **Mr. Stanton** asked the Minister for Education and Science the primary schools that have been approved for capital funding to enable replacement, extensions or refurbishments to take place in 2006; the amount approved in respect of each school; the local contribution to be paid in respect of each school; and if she will make a statement on the matter. [5097/06]

Minister for Education and Science (Ms Hanafin): In 2006, €491 million will be spent on school building projects. This compares with just €92 million in 1997. In its own right, the 2006 allocation represents an increase of over 9% in real terms on the 2005 allocation.

As the Deputy will be aware, at the end of last year I outlined my spending plans for plans for primary and post-primary schools for 2006. With €491 million to be spent on schools buildings, there will be over 1,300 projects active in schools all over the country. This significant investment will allow me to continue to progress our major programme of school building and modernisation which includes improving equipment needed for new technologies and ICT.

I have started to outline individual schools around the country that will benefit under the various parts of the programme throughout the year with the announcement of 62 schools that have been given the go-ahead to start architectural planning and 740 schools which are being given funding under the summer works scheme for essential small-scale projects at a cost of €78 million. I will be announcing details of the other aspects of the programme as we move through the year. Principal features of the 2006 building and modernisation programme include €277 million targeted at primary schools and €204 million in the post-primary sector; almost 200 major school building projects at construction during 2006; 105 primary school projects and 62 post-primary projects advancing in architectural design; and further use of fast-track design solutions for primary schools. It is expected that up to 12 primary schools will be built using a standardised design model or a design and build process. The first school built under this model opened in Balgaddy, Lucan in September 2005, having taken just ten months to build.

Further, up to 200 primary schools will receive approval for devolved funding under the small school and permanent accommodation initiatives during the coming year. This is in addition to the 153 schools that will have projects at construction during 2006 under these initiatives. Small school and permanent accommodation initiatives, which were piloted in the last two years, will become a permanent feature of the building programme. This will enable schools to get works done faster by allowing them to run the projects themselves.

In relation to capital allocations for individual schools, my Department is not in a position to provide estimated costs of building projects in advance of placing a contract as to do so would compromise the tendering process. The following is the position in relation to local contributions.

The local contribution applicable for extensions and renovation works to existing school buildings is 10% of the capital cost up to a maximum contribution of €31,500 or €12,500 in the case of special and disadvantaged schools. The local contribution for new school buildings is 5% of the cost up to a maximum contribution of €63,000 or €12,500 in the case of special and disadvantaged schools. These arrangements have been approved by the Department of Finance and are of a general application. Lists of the 802 schools included in my 2006 capital programme to date are available on my Department's website *www.education i.e.*

Pupil-Teacher Ratio.

559. **Mr. Stanton** asked the Minister for Education and Science the number of classes in primary schools whose numbers are in excess of 25 pupils and in excess of 30 pupils, respectively; and if she will make a statement on the matter. [5098/06]

Minister for Education and Science (Ms Hanafin): In the 2004-05 school year 5,755 classes in primary schools had between 25 and 29 pupils, inclusive. A further 3,435 classes had 30 or more pupils. The total number of classes in primary schools was 18,134.

The Deputy should be aware that significant improvements have been made in the pupil-

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teacher ratio and in average class size in recent years at primary level. The most recent figure available for average class size at primary level refers to the 2004-05 school year, when the average class size was 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio at primary level, which includes all the teachers, including learning support-resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.1:1 in 2004-05. As I indicated in my statement on the recently published Estimates, I have secured sufficient funding to provide for even smaller classes in our primary schools in the next school year. The Minister for Finance has committed to a further reduction in class size in the following year.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes.

To ensure openness and transparency in the system an independent appeal board is now in place to decide on any appeals on mainstream staffing. The criteria under which an appeal can be made are set out in Department Primary Circular 19/02 which is also available on my Department's website.

Schools Recognition.

560. **Mr. S. Ryan** asked the Minister for Education and Science the situation in respect of permanent recognition of a school (details supplied) in County Dublin and the provision of a permanent school for the children who are being educated at two locations. [5099/06]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department has arranged to meet representatives of the board of management of the school to which the Deputy refers. The issues of permanent recognition and long-term accommodation for the school will be addressed at this meeting. In the meantime, my Department is continuing to grant-aid the rental of the premises used by the school at the rate of 95%. My Department is willing to consider any proposals which the school authority has for alternative accommodation. This has been communicated to the school.

561. **Mr. S. Ryan** asked the Minister for Education and Science the reason a school (details supplied) in County Dublin is on band two of her Department's building programme; and if in view of justification by the board of management for a band one status in terms of viability, financial provision and health and safety, the school will be reclassified as a band one project. [5100/06]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department are reviewing the band rating of the school referred to by the Deputy. The school authority will be informed of the outcome as soon as the review is completed.

School Staffing.

562. **Mr. McGuinness** asked the Minister for Education and Science, further to Parliamentary Question No. 418 of 11 October 2005 regarding a person (details supplied) in County Kilkenny; if a decision has been made in their case; and if a response will be expedited. [5102/06]

Minister for Education and Science (Ms Hanafin): The decision of my Department on the application for incremental credit from the person referred to by the Deputy issued on 18 April 2005. It was subsequently appealed by the applicant to an independent appeals committee. This committee met on 13 February 2006 and the applicant's claim was considered in full. The committee's decision is being notified to the person concerned without delay.

Schools Refurbishment.

563. **Mr. Perry** asked the Minister for Education and Science if additional funding is available from her Department to a school (details supplied) in County Sligo to defray the expenses incurred in the displacement costs while the school is carrying out the refurbishment covered under the €250,000 granted; and if she will make a statement on the matter. [5144/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €250,000 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 them control of the building projects. The grant is intended to cover all costs related to the project, including temporary accommodation.

School Accommodation.

564. **Mr. McEntee** asked the Minister for Education and Science her proposals to meet the future accommodation needs of a school (details supplied) in County Meath; and if she will make a statement on the matter. [5156/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers was allocated funding under the devolved initiative scheme in 2003 to provide for an extension and refurbishment to cater for its long-term needs. My Department has not received any further application for major capital funding from the school authorities.

565. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to a delay in school funding for a school (details supplied) in County Galway; and if she will make a statement on the matter. [5157/06]

586. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in County Galway was built to cater for 350 students and is now catering for over 600 students; the steps she intends to take to deal with this accommodation crisis; and if she will make a statement on the matter. [5686/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 565 and 586 together.

An application for capital funding towards the provision of an extension at the school has been received from the school referred to by the Deputy. The long-term accommodation needs of the school are being examined. When this is completed, the building project required to address the long-term accommodation needs of the school will be considered in the context of the school building and modernisation programme 2006-10.

Schools Recognition.

566. **Ms O'Donnell** asked the Minister for Education and Science the consideration that is being given to extending recognition and additional funding to schools and colleges of all sizes providing further education or post-leaving certificate courses generally and in particular a college (details supplied) in Dublin 14; the progress that has been made on implementing the recommendations of the McIver review of the development of a high quality post-leaving certificate sector; and if she will make a statement on the matter. [5158/06]

Minister of State at the Department of Education and Science (Miss de Valera): The school referred to by the Deputy is part of the County Dublin VEC scheme. In respect of the 2005-06 academic year, my Department increased the number of approved plc places in County Dublin VEC by 200 from 730 to 930. Statistical returns in respect of County Dublin VEC indicate that 880 students were enrolled in plc courses at the end of September 2005, of whom 222 were enrolled in the school in question.

The Government's support for the post-leaving certificate sector is clear from the fact that we have increased the number of plc places by 60% since 1996-97. The number of plc places approved for 2005-06 is up by more than 1,600 on the 2004-05 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 grants scheme operates on the same basis as in higher education. There were nearly 8,000 plc grant holders in 2005 and they will receive €23 million in direct support.

Students of plc courses 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 amounted 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 being 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.

567. **Mr. Wall** asked the Minister for Education and Science when schools will be notified of inclusion in the equivalent of the school completion programme under the new DEIS; and if she will make a statement on the matter. [5162/06]

Minister for Education and Science (Ms Hanafin): The identification process under Delivering Equality of Opportunity in Schools,

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DEIS, the new action plan for educational inclusion is being finalised and selected schools will be invited to participate in the new school support programme shortly.

568. **Mr. Wall** asked the Minister for Education and Science when progress will be made in the construction of the new community college in Athy; and if she will make a statement on the matter. [5163/06]

Minister for Education and Science (Ms Hanafin): The building project for the school to which the Deputy refers is at an early stage of architectural planning. Progress on the project is being considered in the context of the school building and modernisation programme from 2006 onwards.

School Enrolments.

569. **Mr. Lowry** asked the Minister for Education and Science the number of primary school students enrolled in each county each year since 2000. [5178/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the following table.

National School Pupils by County 2000/2001-2004/2005

County	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Carlow	5,496	5,478	5,552	5,534	5,672
Cavan	7,131	7,159	7,325	7,374	7,590
Clare	11,473	11,652	11,742	11,802	12,007
Cork City	15,484	15,256	14,910	14,562	14,397
Cork County	34,773	35,330	35,703	36,147	36,614
Donegal	17,020	17,087	17,116	17,233	17,413
Dublin South County	27,544	27,410	27,413	27,476	27,660
Dublin City	45,550	45,067	44,583	44,286	43,679
Dublin Fingal	22,495	22,362	22,730	23,266	23,787
Dún Laoghaire-Rathdown	16,982	16,946	16,885	16,642	16,352
Galway City	6,228	6,189	6,194	6,110	6,168
Galway County	17,107	17,202	17,362	17,451	17,601
Kerry	14,516	14,534	14,653	14,674	14,790
Kildare	19,548	20,027	20,614	21,132	21,659
Kilkenny	9,423	9,404	9,369	9,344	9,389
Laois	6,747	6,777	6,847	7,031	7,137
Leitrim	2,936	2,908	2,950	3,014	3,026
Limerick City	6,987	6,932	6,847	6,808	6,609
Limerick County	13,618	13,623	13,600	13,578	13,646
Longford	3,691	3,721	3,723	3,767	3,824
Louth	12,099	12,280	12,623	12,782	13,076
Mayo	14,121	13,958	13,970	13,655	13,662
Meath	15,659	16,111	16,814	17,432	18,095
Monaghan	6,456	6,377	6,336	6,301	6,291
Offaly	8,188	8,275	8,423	8,454	8,626
Roscommon	6,118	6,164	6,093	6,183	6,207
Sligo	6,716	6,660	6,671	6,661	6,583
Tipperary	16,583	16,598	16,769	16,747	16,909
Waterford City	5,456	5,555	5,585	5,541	5,495
Waterford County	6,415	6,429	6,450	6,509	6,638
Westmeath	8,799	9,099	9,159	9,355	9,468
Wexford	14,367	14,624	14,966	15,308	15,474
Wicklow	13,834	13,871	13,743	13,870	13,964
Totals	439,560	441,065	443,720	446,029	449,508

570. **Mr. Lowry** asked the Minister for Education and Science the number of post-primary school students enrolled in each county each year since 2000. [5179/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is set out in the following table.

Second Level Pupils by County 2000/2001-2004/2005

County	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Carlow	5,357	5,413	5,426	5,471	5,471
Cavan	4,828	4,772	4,830	4,928	4,927
Clare	7,838	7,705	7,572	7,366	7,265
Cork City	17,050	16,964	16,677	16,248	15,862
Cork County	26,312	25,819	25,681	25,651	25,417
Donegal	12,566	12,405	12,488	12,318	12,135
South Dublin	19,393	19,302	19,808	19,975	20,391
Dublin City	41,918	39,791	38,446	37,619	36,553
Dublin Fingal	15,082	15,611	16,602	16,980	17,098
Dún Laoghaire-Rathdown	17,018	16,868	16,687	17,030	17,212
Galway City	5,879	5,849	5,308	5,308	5,311
Galway County	12,886	12,615	13,137	13,041	12,846
Kerry	11,271	10,902	10,711	10,492	10,352
Kildare	13,460	13,185	13,044	13,037	13,091
Kilkenny	6,933	6,926	7,045	7,081	7,066
Laois	4,535	4,483	4,499	4,433	4,381
Leitrim	2,697	2,673	2,603	2,455	2,468
Limerick City	8,153	7,871	7,747	7,856	7,765
Limerick County	7,010	6,945	7,143	6,941	7,059
Longford	3,664	3,599	3,559	3,535	3,429
Louth	9,946	9,872	9,928	10,074	10,183
Mayo	11,595	11,491	11,291	11,102	10,738
Meath	9,158	9,063	9,090	9,246	9,350
Monaghan	5,711	5,627	5,575	5,466	5,429
Offaly	5,410	5,326	5,230	5,193	5,152
Roscommon	3,264	3,149	3,118	3,128	3,060
Sligo	5,145	5,155	5,025	4,993	4,898
Tipperary	14,143	13,817	13,597	13,500	13,162
Waterford City	5,024	4,972	5,111	5,124	4,918
Waterford County	3,598	3,624	3,654	3,732	3,698
Westmeath	7,929	7,862	7,921	7,797	7,775
Wexford	11,175	11,137	11,160	11,090	10,921
Wicklow	9,436	9,285	9,518	9,641	9,779
Total	345,384	340,078	339,231	337,851	335,162

Youth Services.

571. **Mr. Gregory** asked the Minister for Education and Science if the budget for special projects for youth has been increased in 2006. [5207/06]

Minister of State at the Department of Education and Science (Miss de Valera): I fully appreciate the importance and value of the youth work programmes and services provided by youth organisations and, in particular, special projects for youth. In this respect, I am pleased that the financial allocation for the main funding line for the youth sector in 2006 represents a 2.47% increase over 2005, which, following on an 18% record increase in 2005, represents notable and substantial progress for the youth sector in Ireland in real terms. This brings the financial allocation to €34.728 million in 2006. This additional funding will allow for a number of developments under the Youth Work Act 2001 and the National Youth Work Development Plan 2003-07.

While I am confident that the increased allocation in the 2006 youth service budget will allow

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for a number of enhancements to existing youth work programmes and services, it will not be possible to make definitive allocations for special projects until such time as the youth affairs section of my Department has examined all proposals before it.

572. **Mr. Gregory** asked the Minister for Education and Science if she will provide a report on the application from groups (details supplied) for funding for two youth workers for a residential centre. [5208/06]

Minister of State at the Department of Education and Science (Miss de Valera): The project referred to by the Deputy receives funding under two programmes administered by the youth affairs section of my Department, namely, the special projects for youth scheme and the young people's facilities and services fund. The total aggregate funding allocation received by the project under both of these schemes was €163,590 in 2005. An application for two additional posts has been received by the youth affairs sections and this proposal will be given consideration in the context of the 2006 round of grant allocations along with other applications.

The allocation of grants in respect of services for 2006 has not yet been finalised but every consideration will be given to this request, with all other applications made for youth work funding in 2006. A decision on this matter and other applications will be given as soon as possible.

Grant Payments.

573. **Mr. McGuinness** asked the Minister for Education and Science the reason a person (details supplied) in County Kilkenny was refused a grant to complete a course at Carlow Institute of Technology; if this person will be considered as a mature student; if this scheme will be modernised as some of the definitions are dated; and if she will make a statement on the matter. [5217/06]

Minister for Education and Science (Ms Hanafin): Under the terms of my Department's 2005 third level student maintenance grant schemes, the position is that, generally speaking, students entering approved courses for the first time are eligible for grants where they satisfy the prescribed conditions with regard to age, residence, means, nationality and previous academic attainment. A mature student is defined for the purposes of the schemes as a candidate who is at least 23 years of age on the 1 January of the year of entry or re-entry to an approved course.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined as meaning a mature student who was not ordinarily resident at home with his or her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

When assessing the means of students other than independent mature students, the means test provision of the scheme specifies that the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account irrespective of the individual circumstances in any case where the student is not an independent mature student.

From information provided by the Deputy for my Department, it appears that the candidate is under 23. The Deputy will appreciate that the terms of the schemes are of general application and it is not open to me to make exceptions in individual cases. It is not proposed to change the current terms and conditions of the definition of mature students.

Schools Building Projects.

574. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil cinneadh déanta maidir le scoil úr a thógáil i nGort an Choirce, Dún na nGall, an bhfuil aon suíomh roghnaithe go fóill, cén staid ag a bhfuil cúrsaí pleanála; agus an ndéanfaidh sí ráiteas ina thaobh. [5286/06]

Minister for Education and Science (Ms Hanafin): Iarradh ar an Rannóg um Bainistiú Sealúchais in Oifig na nOibreacha Poiblí, a fheidhmíonn thar ceann mo Roinnse i dtaca le sealbhú suíomh i gcoitinne, suíomh a lorg don scoil atá i gceist. Nuair atá sealbh faighte ar shuíomh, breithneofar an tionscadal tógála a bheidh ag teastáil chun an scoil nua a chur ar fáil i gcomhthéacs an Chlár Tógala agus Athnuachain Scoile 2006-10.

School Accommodation.

575. **Ms O'Sullivan** asked the Minister for Education and Science if she will reconsider her decision regarding a summer works application that was submitted by a school (details supplied) in Dublin 22 whose application for replacement windows at the school was refused. [5358/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers recently received significant funding under my Department's contingency fund to address certain issues with its windows. Given that there are still some outstanding matters in this regard, my Department is reviewing the schools summer works scheme application and it will be in direct contact with the school authority when the outcome of the review is known.

Special Educational Needs.

576. **Mr. Noonan** asked the Minister for Education and Science when an assessment will be arranged for a person (details supplied) in County Limerick to assess their special needs; and if she will make a statement on the matter. [5420/06]

Minister for Education and Science (Ms Hanafin): All primary and post-primary schools in County Limerick have access to psychological assessments either directly through the National Educational Psychological Service or through the scheme for commissioning psychological assessments, full details of which are available on my Department's website. Under the scheme for commissioning psychological assessments scheme, schools may commission educational psychological assessments from private practitioners. This is an interim measure, designed to ensure that urgent assessment needs are met. According to my Department's records, the school in question has not used its entitlement of assessments under the scheme for commissioning psychological assessments scheme in the current school year. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

Unfortunately, owing to constraints on staffing, the National Educational Psychological Service is not yet in a position to provide a dedicated service for all schools in County Limerick. There are five National Educational Psychological Service psychologists working in the in the mid-western region serving counties Limerick, Clare and Tipperary. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to the National Educational Psychological Service and my Department is in the process of appointing ten psychologists from the panels. Four appointments are scheduled to be made to the mid-western region from this process.

Schools Buildings Projects.

577. **Mr. English** asked the Minister for Education and Science if a site has been secured for works on new buildings for a school (details supplied) in County Meath; the location of this site; the schedule for construction; and the finance set aside for the project. [5450/06]

Minister for Education and Science (Ms Hanafin): The site for the school referred to by the Deputy is being acquired by my Department under the terms of the Residential Institutions Redress Act 2002. My Department has accepted in principle a site in Kells which was offered under the terms of the property aspect of the indemnity agreement between the State and 18 religious congregations dated 5 June 2002. Officials in my Department are awaiting receipt of the relevant contract documents.

The project in question is one of the 23 new post-primary schools announced under this Government's public-private partnerships.

State Examinations.

578. **Mr. Allen** asked the Minister for Education and Science the situation whereby special assistance is given to second level students with special needs such as dyslexia and whereby individuals who received assistance with their group certificate are being refused similar supports for the leaving certificate examination. [5472/06]

Minister for Education and Science (Ms Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations; ensuring the preparation of examination papers and other examination materials; determining procedures in places where examinations are conducted including the supervision of examinations; and making arrangements for the marking of work presented for examination.

In view of this, I have forwarded the Deputy's query to the State Examinations Commission for direct reply to him.

School Curriculum.

579. **Ms O. Mitchell** asked the Minister for Education and Science if there is road safety education for the junior cycle and within the third level sector; and if she will make a statement on the matter. [5475/06]

Minister for Education and Science (Ms Hanafin): The National Council for Curriculum and Assessment, NCCA, whose role is to advise the Minister for Education and Science on curriculum and assessment issues, recommended that road safety be addressed within the context of social, personal and health education.

Social, personal and health education is part of the core curriculum for all pupils in the junior cycle of second level schools. It provides students with a unique opportunity to develop the skills and competence to learn about themselves and to care for themselves and others and to make informed decisions about their health, personal lives, and social development. I am not aware that road safety education is a feature of courses within the third level sector.

A new highlevel Government road safety group, of which I am a member, has met and the role of education in addressing road safety will be discussed in this forum.

Schools Refurbishment.

580. **Mr. Carey** asked the Minister for Education and Science when her Department intends appointing a design team to understand the refurbishment of buildings which are to be allocated to a school (details supplied) in Dublin 9; and if she will make a statement on the matter. [5526/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that works on the school buildings to which he refers were included in my recent announcement of 62 schools for which design teams will be appointed under the 2006 capital programme. The building section of my Department will be providing information for the schools concerned shortly on how their projects will be advanced on foot of this announcement.

Schools Building Projects.

581. **Mr. Carey** asked the Minister for Education and Science when a school (details supplied) in Dublin 11 will be given permission to proceed to tender stage; and if she will make a statement on the matter. [5527/06]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is listed on the 2005 school building programme to go to tender and construction. The stage 3 documentation — detailed design — is being examined by my Department's technical staff. Once this stage is approved my Department will devolve authority to the school in question to proceed to tender and construction.

Home Tuition.

582. **Mr. Carey** asked the Minister for Education and Science when outstanding home tuition fees in respect of a person (details supplied) in Dublin 11 will be awarded; and if she will make a statement on the matter. [5528/06]

Minister for Education and Science (Ms Hanafin): An application for home tuition for the pupil was received in my Department recently. The application will be considered in consultation with the National Council for Special Education and a decision will be conveyed to the parents as quickly as possible.

Higher Education Grants.

583. **Ms O'Sullivan** asked the Minister for Education and Science the most recent information available on the socio-economic background of recipients of third level grants; if this information will be supplied in tabular form according to socio-economic group; and if she will make a statement on the matter. [5598/06]

Minister for Education and Science (Ms Hanafin): Limited indicative data on the socio-economic background of grantholders have been collected in the past on the higher education grants scheme only. My Department's student support unit is in the process of collating information on students who were awarded grants under the higher education grants scheme for the academic year 2004-05 from the returns which have been submitted to date by the local authorities.

Unfortunately, there are a number of returns outstanding for 2002-03 and 2003-04 which the Department is pursuing with the local authorities and the County and City Managers' Association. Despite this and to avoid any further delay, we are arranging to have the available data provided for the Deputy directly. It is our intention that this information will issue to the Deputy in the coming days in respect of 2002-03 and 2003-04. This indicative data is subject to considerable qualification of its reliability due to, *inter alia*, the level of undeclared status among the returns from the local authorities.

Following consultations with the Irish Vocational Education Association, new arrangements were introduced in 2005 to compile a more comprehensive statistical break-down of grantholders under the schemes administered by the VECs. This complements arrangements in place in respect of the higher education grants scheme. When the complete returns for the academic years 2002-03, 2003-04 and 2004-05 are available, the information will be made available to the Deputy.

Inquiry into Child Abuse.

584. **Ms O'Sullivan** asked the Minister for Education and Science the basis on which a home (details supplied) was included in the second schedule of institutions under the Residential Institutions Redress Act 2002; and if she will make a statement on the matter. [5599/06]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that for an institution to be considered for inclusion in the Schedule to the Act, it must be an industrial school, a reformatory school, an orphanage, a children's home, a special school for children with a physical or intellectual disability or a hospital providing medical or psychiatric services for people with a physical or mental disability or mental illness. It must also be one in which children were placed and resident and in respect of which a public body had a regulatory or inspection function.

Inquiries were made by my Department with the Department of Health and Children and other relevant bodies about this institution. Confirmation was received that the institution was

subject to inspection by a public body and that it operated as a children's home which, as well as catering for single mothers with their babies, provided care for babies and young children up to the age of four years who were not adopted or fostered. It was on this basis that the institution mentioned was added to the Schedule.

School Management.

585. **Mr. Haughey** asked the Minister for Education and Science the role her Department can play in trying to resolve a problem where parents of children attending a primary school have a complaint regarding the education given by a particular teacher and where meetings between these parents and the teacher concerned as well as the school principal and board of management have failed to resolve the situation; if her Department's attention has been drawn to a particular case in this context (details supplied); if an investigation will be launched into the case; and if she will make a statement on the matter. [5662/06]

Minister for Education and Science (Ms Hanafin): Responsibilities relating to the performance of teachers at a school are outlined in section 9(*b*) and 9(*k*) of the Education Act 1998. In addition, the role and responsibilities of the principal teacher on this matter are referred to under section 23(2)(*a*) of the Act.

Under section 9(*b*) of the Act, schools are required to ensure that the education provided in their schools meets the requirements of educational policy as determined from time to time by my Department, including requirements as to the provision of the curriculum. Parents who have concerns regarding the implementation of the curriculum should refer their concerns, in the first instance, to the board of management of the school. If a complaint concerning the implementation of the curriculum is received by my Department, the board of management is requested to provide its comments and observations on the complaint, including any steps it has taken to deal with the complaint at school level. Following receipt of the board's response, my Department may conduct further enquiries.

With regard to the particular case referred to by the Deputy, my Department is engaged in correspondence with the board of management of the school with a view to determining an appropriate course of action to deal with the issues involved.

Question No. 586 answered with Question No. 565.

Special Educational Needs.

587. **Ms C. Murphy** asked the Minister for Education and Science the options available to the parents of children with special education needs who fail to secure a second level school place due to the fact that schools are unwilling to accept children in the absence of guaranteed educational supports which were provided at primary level but were not guaranteed to continue during second level; and if she will make a statement on the matter. [5691/06]

Minister for Education and Science (Ms Hanafin): The enrolment of pupils, including pupils with special educational needs, is a matter in the first instance for schools, parents and guardians. The Education Act 1998 requires all schools to have in place an admissions policy for students with disabilities or other special educational needs. The Act also requires schools to ensure that the policy respects the principles of equality and the right of parents to send their children to a school of the parents' choice.

My Department provides a range of supports for all schools to enable them to welcome students with special educational needs. These supports include the allocation of additional teacher support and special needs assistant support to second level schools and VECs to cater for students with special educational needs.

The level of resources being made available to support students with special educational needs in the second level system has grown significantly in recent years. In the current school year my Department has allocated approximately 1,641 whole-time equivalent teachers and 1,088 special needs assistants to second level schools to cater for pupils with special educational needs. This represents an increase of approximately 250 teaching posts and 450 special needs assistant posts on the previous school year.

The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some pupils are capable of attending ordinary classes on an integrated basis with additional teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. Pupils attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

Under section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of my Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld, the Secretary General is empowered to direct the school to enrol the student.

The Deputy will also be aware that, with effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over key functions of special educational provision from

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my Department. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it.

School Curriculum.

588. **Mr. Crowe** asked the Minister for Education and Science when the recommendations from the National Council for Curriculum and Assessment review of maths teaching at second level will be made public. [5692/06]

Minister for Education and Science (Ms Hanafin): The National Council for Curriculum and Assessment, NCCA, has just completed a consultation process around mathematics in post-primary education and is preparing a report which will contain recommendations to address the issues identified. The NCCA plans to publish this report in April on its website at *www.ncca.ie*.

589. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the concerns being expressed in the teaching sector regarding the new maths being taught in schools here which has been described as abstract and may be alienating pupils; and her views on whether a more practical syllabus would result in more students taking honours maths. [5693/06]

Minister for Education and Science (Ms Hanafin): I am assuming that the Deputy is referring to mathematics at post-primary level since teachers, in the review carried out by the National Council for Curriculum and Assessment, NCCA, in 2003-04, expressed high levels of satisfaction with the mathematics curriculum which was introduced to primary schools in 1999.

I am aware of the broad range of concerns expressed by teachers, and many others, about mathematics in post-primary education. These are outlined in detail in the discussion paper which was published by the NCCA as the basis for the consultation stage of the review which it is carrying out.

My view is that revising our post-primary syllabuses in mathematics is likely to be a powerful lever in addressing issues such as increasing the numbers of students who take higher level mathematics. Internationally, current trends in mathematics education include more emphasis on problem solving and applications in real-life contexts and I do believe we must move in this direction. However, the extent to which we do so must be determined by the particular needs of our students, the vast majority of whom will study the subject to the end of senior cycle and who require skills, understandings and attitudes to mathematics that will prepare them for life, further study and the world of work.

I look forward to receiving the NCCA's report on its review in April which will advise me further.

Irish Textbooks.

590. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the difficulty experienced in some schools getting suitable textbooks for the syllabus, including maths and sciences; the way in which she proposes to overcome these difficulties; and if she will make a statement on the matter. [5694/06]

Minister for Education and Science (Ms Hanafin): I understand the Deputy has in mind textbooks in the Irish language for use in Gaeltacht and other all-Irish schools. Significant improvements are being made in regard to the provision of suitable high quality textbooks and teaching materials specifically for use in Gaeltacht and other all-Irish schools through the work of An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta. In 2005, my Department allocated €725,000 to An Chomhairle, of which €300,000 was specifically designated to the provision of textbooks and other resources to support teaching and learning. For 2006, the allocation is €831,000, of which €400,000 is specifically for the provision of these materials.

Regarding mathematics, *Mata Beo*, a series of mathematics textbooks based on the revised mathematics curriculum, is available for all primary school classes. At post-primary level, new editions of all books in the *Téacsanna agus Trialacha* mathematics series are now available, except for one leaving certificate higher level mathematics book which is due to go to print shortly. To support science at primary level, Eureka, the *Irish Independent* weekly science supplement, is now available in Irish. An Chomhairle, with funding from my Department, plays a key role in making this valuable and attractive resource available to schools. In addition, the text book *Eolaíocht Bheo* is available for third to sixth classes.

Regarding post-primary science, a newly developed resource to cover all aspects of the revised junior certificate science syllabus was recently made available to students. This was developed by practising teachers who worked in collaboration with An Chomhairle and with funding from my Department. An accompanying teacher resource with a CD is also available. The website *www.ingeniousireland.ie* covers many aspects of the junior certificate science syllabus and is available in Irish. Again, An Chomhairle was a main player in developing this, with funding from my Department. For the senior cycle

sciences, An Gúm is developing resources for leaving certificate biology, physics and chemistry. I have met An Chomhairle to discuss how the provision of high quality education through the medium of Irish can be further supported.

School Curriculum.

591. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the pressures on laboratory time from the increased number of compulsory experiments due to changes in the junior certificate curriculum, which means that in reality pupils lose out on class time as the teacher must tidy up after experiments; and her proposals to introduce laboratory technicians in larger schools to alleviate this problem. [5695/06]

Minister for Education and Science (Ms Hanafin): Student practical work has been a major feature of science syllabi at both junior and senior cycle levels for many years and science teachers have long experience of carrying out programmes of practical work with their students. Traditionally, this practical work has been assessed through the medium of a written paper in the certificate examinations.

The revised junior certificate science syllabus introduced in 2003 differs from the previous syllabus in a number of ways which are intended to make the subject more relevant to students' needs in the 21st century, and to provide the students with a richer educational experience. The change that is most relevant in the context of the Deputy's question is that the students' practical work will now be directly assessed as part of the junior certificate examination. This assessment will be based on the completion of a total of some 30 practical activities that are specified in the syllabus. In addition, students will carry out either one or two short practical projects which will also contribute to the practical assessment. Further assessment of practical work will continue to take place through the medium of the written paper as heretofore.

The provision of technical assistants was one the recommendations in the report of the task force on the physical sciences. Using costs as they were in 2002, the task force estimated its proposals to cost a total of approximately €244 million. Of this, €66.3 million would be a recurring annual cost. The proposal for the provision of technical assistants would account for approximately 30% of this recurring annual cost. Progress has been made on implementing approximately two thirds of the task force's recommendations. My Department continues to progress the recommendations, as resources permit, in collaboration and consultation with the Department of Enterprise, Trade and Employment, FORFAS and industry.

School Staffing.

592. **Mr. Crowe** asked the Minister for Education and Science, in view of the gender imbalance among the teaching profession, the new outreach measures she plans to introduce to encourage more males into the profession. [5696/06]

Minister for Education and Science (Ms Hanafin): The decreasing numbers of males entering the teaching profession, is an issue of concern to me. It is important to attract more men into teaching for a number of reasons, not least of which is the positive role models that teachers provide in children's lives and the desirability of having both male and female role models in our schools. I genuinely believe that teaching should be seen as an attractive profession for both men and women. Teaching is fulfilling work which makes a huge social contribution. The Government wants to attract and reward the best teachers. In addition to increasing teachers' salaries, we have also undertaken other initiatives to enhance the status of the profession. Not least of these is the establishment of the Teaching Council as a professional regulatory body.

I recently launched the report of the primary education committee, Males into Primary Teaching. The primary education committee was established in order to examine a range of issues regarding males entering primary teaching, and to make recommendations on short-term and long-term strategies to increase the numbers in this regard. The report draws on the professional insight of key experts in this area, as well as a number of relevant research studies. The report's findings will be of significant benefit in assisting the development of future policy in this important area.

One of the key recommendations in the committee's report is that a co-ordinated promotion campaign to encourage boys as well as girls to enter primary teaching should be undertaken. This promotion campaign commenced on 24 January and is ongoing. Other recommendations contained in the report are under consideration by my Department.

Schools Refurbishment.

593. **Mr. Crowe** asked the Minister for Education and Science if she is satisfied with the roll-out of science laboratories for schools; and the number of schools still awaiting facilities. [5697/06]

594. **Mr. Crowe** asked the Minister for Education and Science when school science laboratories will be brought up to a suitable standard. [5698/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 593 and 594 together.

Capital funding is provided under the school building and modernisation programme 2005-09 for the refurbishment of science laboratories undertaken as part of an overall refurbishment programme of second level schools, for the upgrading of science facilities exclusively or by provision of new facilities in the case of newly built or extended schools. Additionally, I have provided for class materials, basic general equipment and chemicals for practical work for the sciences.

My Department spent in excess of €13 million in 2004 to facilitate the introduction of a revised junior science syllabus. Schools received a basic grant of €3,500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified as needing new or refurbished science laboratories as a result of a 1998 national survey received funding.

Funding is also available this year to schools that have yet to apply for the basic grant of €3,500 per science laboratory and for other specified equipment to enable them to provide the new curriculum. Schools also received funding under the summer works scheme in 2004 and 2005 to refurbish science laboratories. In the application for funding under the 2006 summer works scheme post-primary schools were asked to specifically identify and provide details of any science and technology upgrade or refurbishment projects separate from any other projects being applied for in order that consideration could be given to approving these projects for 2006. I approved funding for 26 schools to upgrade or refurbish these facilities in my recently announced summer works scheme for 2006.

Early School Leavers.

595. **Mr. Crowe** asked the Minister for Education and Science, in view of the high drop out rate of students from disadvantaged areas, her plans to introduce new financial supports to leaving certificate students to enable them to finish their studies. [5699/06]

Minister for Education and Science (Ms Hanafin): My Department's policy to combat educational disadvantage and early school leaving is designed to include related and complementary strategies to improve participation rates and outcomes in mainstream school. It is also designed to provide second-chance education and training for those who left school early without any qualification. The problem of early school leaving requires movement on a number of fronts, including legislative and curricular reforms and preventative interventions, which is the approach that my Department is taking. The Education Welfare Act and the establishment of the National Educational Welfare Board are important planks in the campaign to keep students at school and will provide a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

With regard to the curriculum, my Department's strategies include widening the educational experience available to students. It aims to achieve a greater level of inclusiveness in curricular provision and meet the diverse needs of second level pupils, by expanding funding for programmes such as the leaving certificate vocational programme, LCVP, vocational preparation training, VPT, and the leaving certificate applied, LCA.

The school completion programme was implemented to directly target those in danger of dropping out of the education system and is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving. In line with current thinking, it favours an integrated cross-community and cross-sectoral approach based on the development of local strategies to ensure maximum participation levels in the education process. It entails targeting individual young people aged between four and 18, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes.

Youthreach is a national response to the needs of unqualified early school leavers in Ireland and targets young people aged from 15 to 20. It is designed to offer a programme of integrated general education, vocational training and work experience. A training allowance is payable to participants at different rates, depending on age. A similar programme in a culturally supportive environment is operated for Travellers in a network of senior Traveller training centres.

DEIS, Delivering Equality of Opportunity in Schools, the new action plan for educational inclusion, will put in place a standardised system for identifying levels of disadvantage in our primary and second level schools for the purposes of qualifying for resources, both human and financial, according to the degree of disadvantaged experienced. This standardised system will replace all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. The new action plan aims to ensure that the pre-school to completion of upper second-level educational needs of children and young people aged between three and 18 years of age from disadvantaged communities are prioritised and effectively addressed. The identification process for the new integrated school support programme, a key element of DEIS, is near-

ing completion and selected schools will be invited to participate in the programme shortly.

Education Schemes.

596. **Mr. Crowe** asked the Minister for Education and Science, in view of the inequalities in the system of education where students from wealthier backgrounds have access to grinds, summer courses, Saturday morning schools, trips abroad and trips to the Gaeltacht, the way in which she proposes to bring some balance into the system for the parents of students who cannot afford these additional aids. [5700/06]

Minister for Education and Science (Ms Hanafin): The total provision for educational inclusion programmes in 2006 is approximately €647 million across all levels of education provision, ranging from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants, free book grants scheme, measures to tackle early school leaving and strengthen ties between the school, the family and the community. In addition, there are interventions in support of youth and in providing second-chance education for young people and adults.

DEIS, Delivering Equality of Opportunity in Schools, the new action plan for educational inclusion, addresses the educational needs of children and young people from three to 18 years of age in disadvantaged communities, from pre-school to completion of upper second level education. The new action plan represents a shift in emphasis away from individual initiatives, each addressing a particular aspect of the problem, as the new plan adopts a multi-faceted and more integrated approach.

Its core element comprises a standardised system for identifying and regularly reviewing levels of disadvantage. A new integrated school support programme, SSP, will bring together and build upon approximately ten existing educational inclusion measures. These include increased access to a range of academic supports such as one to one, small group tuition, literacy, numeracy and curricular supports, individual learning plans, revision and study skills courses and non-academic supports such as sports, recreational and extra-curricular activities, clubs and meal provision, after school supports and holiday time supports, based on best practices identified through the school completion programme. The identification process is being finalised and selected schools will be invited to participate in the new school support programme shortly.

Teaching Qualifications.

597. **Dr. Upton** asked the Minister for Education and Science if she will review the requirements for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge; if her attention has been drawn to the fact that a date has not been set for the examination which makes it very difficult for students to prepare for the examination; if there is a named person in her Department dedicated to dealing with queries on this matter; the areas in which past examination papers and tapes can be accessed; if she is satisfied that the guidance and support from her Department are adequate to assist a person preparing for the examination; if specific classes can be accessed by persons taking this examination; and if she will make a statement on the matter. [5703/06]

Minister for Education and Science (Ms Hanafin): Teachers trained outside the jurisdiction of the State whose qualifications have been assessed and accepted by my Department but who do not possess an appropriate Irish language qualification are granted a five year period of provisional recognition to teach in mainstream classes in national schools. During this period these teachers are expected to obtain their Irish language qualification, Scrúdú le hAghaidh Cáilíochta sa Ghaeilge, SCG, in order to become fully recognised. They must also provide certification that they have resided in the Gaeltacht while attending an approved three-week course or its aggregated equivalent.

Up to 2004, my Department was responsible for administering the SCG examination. The 2005 SCG was administered by Coláiste Mhuire Marino. In December 2005 my Department sought tenders for the future administration of the examination. The tendering process has now been completed and arrangements for the future administration of the examination will be announced shortly. Examination papers and tapes in respect of the 2005 SCG examination may be obtained from Coláiste Mhuire Marino and, for examinations prior to 2005, from Primary Administration Section 1, Department of Education and Science, Cornamaddy, Athlone, County Westmeath. The papers may also be accessed on my Department's website.

Regarding course provision, I am pleased to inform the Deputy that a number of education centres throughout the country which are directly funded by my Department provide preparation courses for the SCG examination at a reasonable cost. These courses are based upon a training programme, also funded by my Department, developed by the Irish department in Coláiste Mhuire Marino. The courses have been extremely successful with 400 of the 520 candidates who sat the examination in March 2005 passing, the best outcome to date. I understand there are also other providers of courses for the SCG which charge rates to students different from those which apply to the courses run through education centres. My Department does not have any role

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in these courses or the fees being charged in respect of them.

Schools Buildings Projects.

598. **Mr. Gogarty** asked the Minister for Education and Science if her Department will play a more proactive role in tackling the serious problems of overcrowding at a school (details supplied); if her Department will liaise with the school to set up a negotiating team to deal with a company regarding the purchase of the land; and if she will make a statement on the matter. [5717/06]

599. **Mr. Gogarty** asked the Minister for Education and Science if her attention has been drawn to the fact that there is an opportunity to provide lands for a school site should the entire lands at St. Edmundsbury be purchased by the State as part of a Liffey Valley national or regional park; if the extension of a special amenity area order will render residential development on these lands impossible; if contact will be made with the Department of the Environment, Heritage and Local Government regarding the plans for these lands; and if she will make a statement on the matter. [5718/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 598 and 599 together.

My Department has acknowledged the need for accommodation at the school to which the Deputy refers. However, the fact that the school is located in a mature part of Lucan complicates the identification of a suitable site, particularly given its desire to remain in close proximity to its church. The school authority undertook to carry out its own negotiations to acquire a site to meet its needs in this regard. However, in the absence of any firm proposal from the school authority, my Department is considering alternative options in an effort to resolve the accommodation difficulties at the school, cognisant of the possible acquisition of lands at St. Edmundsbury.

Special Educational Needs.

600. **Mr. Gogarty** asked the Minister for Education and Science if her attention has been drawn to the deficit of educational facilities for children with severe autism in the north Kerry area; her plans to redress same; and if she will make a statement on the matter. [5719/06]

Minister for Education and Science (Ms Hanafin): I am most anxious that all children, including children with autistic spectrum disorders, receive an education appropriate to their needs. My Department provides dedicated facilities for the education of children with autism nationally, including the area referred to by the Deputy. These include the creation of 159 special classes for children with autism attached to special schools and mainstream schools, of which seven have been established in the Kerry region; the establishment of 15 pre-school classes for children with autism, two of which are in the Kerry region, and the establishment of five special classes for children with Asperger's syndrome.

Furthermore, my Department sanctions home tuition grants for children with autism where such children are awaiting an appropriate school placement. In addition to the provision outlined above, my Department funds 12 autism specific facilities operating on a pilot basis. Some of these facilities provide an applied behavioural analysis, ABA, model of response which is one of a range of models of approach to the education of children with autism.

As the Deputy is probably aware, the National Council for Special Education, NCSE, is now operational. A specific function of the NCSE, through its network of local special educational needs organisers, SENOs, is to identify appropriate educational placements for all children with special educational needs, including children with autism. I can confirm that the SENOs will continue to examine additional requests for autism provision in the north Kerry area, where appropriate.

In the circumstances I am confident that the steps that I have outlined above, and those in hand, particularly the establishment of the NCSE, will ensure that appropriate educational provision can be put in place for all children with special educational needs, including children with autism in a timely manner.

Schools Building Projects.

601. **Mr. Walsh** asked the Minister for Education and Science if approval for an extension will be given to a school (details supplied) in County Cork. [5720/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension at the school has been received from the school referred to by the Deputy. The long-term accommodation needs of the school are being examined. When this is completed, the building project required to address the long-term accommodation needs of the school will be considered in the context of the school building and modernisation programme 2006-10.

Decentralisation Programme.

602. **Mr. Kenny** asked the Minister for Defence if, regarding the decentralisation proposals that are relevant to his Department, he is satisfied that sufficient numbers of staff at secretary and assist-

ant secretary level are willing to decentralise; and if he will make a statement on the matter. [5035/06]

603. **Mr. Kenny** asked the Minister for Defence if the Secretary General of his Department has consulted officers at assistant secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5050/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 602 and 603 together.

My Department is due to relocate to Newbridge, County Kildare. The Secretary General and the two assistant secretaries serving in my Department have indicated that they will decentralise to Newbridge.

Defence Forces Property.

604. **Mr. P. Breen** asked the Minister for Defence, further to Parliamentary Question No. 465 of 13 November 2005, the number of landowners in the vicinity of Casement Aerodrome affected by the restrictions associated respectively with the two-dimensional red safety areas, the three-dimensional approach surfaces and the two-dimensional security zones; if each such affected landowner has been provided with adequate information on all such invasive restrictions inclusive of the provision of individual maps to an appropriate scale; and if he will make a statement on the matter. [5389/06]

Minister for Defence (Mr. O'Dea): Responsibility for planning and development in the vicinity of Casement Aerodrome rests with the planning department of South Dublin County Council and all planning decisions are made by that authority. The practice down the years has been for the local planning authority to consult the Department of Defence in respect of planning applications for proposed developments which may affect Casement Aerodrome. My Department commissioned a review of its air safety policy at Casement Aerodrome in June 1999. The review was carried out by Sir Frederick Snow and Partners Limited. Following extensive consideration of its report, a formal statement of the Department's revised policy was formally notified to South Dublin County Council on 26 June 2000 and is reflected in the council's development plan 2004-10.

My Department does not hold records concerning the ownership or occupancy of lands in the vicinity of Casement Aerodrome, Baldonnel. Officials of my Department continue to be available to discuss and clarify the Department's safety policy with individual landowners and occupiers, if required.

Overseas Missions.

605. **Mr. F. McGrath** asked the Minister for Defence the number of Irish soldiers who died at the Niemba massacre in the Congo; if he will clarify the location and when a person (details supplied) died; if a suitable Niemba decoration will be accorded to the two survivors. [5469/06]

Minister for Defence (Mr. O'Dea): Following a number of questions in the Dáil on this matter I undertook to have the military archive examined in relation to the Niemba ambush and to revert with the findings. The question arising was whether Trooper Browne was killed at the Niemba ambush or whether he survived for a few days and was killed near a village where he was foraging for food. A recently published book, *The Irish Army in the Congo 1960-64*, outlines the second version and draws on material from the unit history for this account. This differs from the long held understanding that nine members of the Defence Forces died at Niemba.

Accordingly, I requested the military authorities to examine the relevant files and they have reverted with the following information. The unit history that has been referred to holds many differing accounts of how Trooper Browne met his untimely death. The unit history, written six years after the event, does not attempt to reconcile the differing accounts of Trooper Browne's death.

The unit history does include an account that Trooper Browne survived the initial action for two days and was killed approximately three miles from the site of the action. However this information was not included in the Dáil replies because it is not supported by any independent sources.

The Tribunal de Premire Instance d'Elizabethville in November 1961 convicted five Baluba tribesmen of killing Trooper Browne and eight others on 8 November 1960. Information from Baluba survivors in Manona hospital in 1960 led investigators to believe that Trooper Brown was killed at Niemba and that his body had been removed from the scene by the ambushers. It was a Baluba custom that they bore off from the field of battle their most courageous victim.

Accordingly, it was decided that, on the balance of probability, Trooper Brown died on the battlefield in an attempt to save his comrades life. What remains incontrovertible is that Trooper Browne died, directly or indirectly, as a result of the Niemba engagement.

Since Ireland took part in their first United Nations Mission in 1958 Defence Forces personnel have performed approximately 54,000 tours of duty on 58 peace support operations worldwide. Since UN peacekeepers operate in strife-torn regions, practically every officer, NCO and private who has served overseas has been

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exposed to the hostile events of one sort or another.

While I fully appreciate that the experiences in the Congo were particularly distressing, it is also the case that many other members of the Defence Forces who have served overseas have been involved in serious and disturbing incidents where death and severe injury have resulted.

This is in no way intended to denigrate the distress suffered by those involved. Rather, it is to indicate that service in a war torn region inevitably exposes members of the Defence Forces to the possibility of involvement in incidents of a very serious and distressing nature.

The Defence Forces award bravery and distinguished service medals in exceptional circumstances. Cases for the award of such medals are examined in great detail having regard to the circumstances pertaining in each particular case and on the basis of comparison with previous similar awards. In 1962 a military board considered the various cases presented in relation to action in the Congo, including the Niemba ambush, and made their recommendations. At that time, 22 cases were made for the award of the military medal for gallantry and only one such medal was awarded. In the case of the distinguished service medal, a military board was convened in 1965 where 120 cases were made for this award and of those, only 24 were awarded. Clearly, such medals are awarded only in rare and exceptional circumstances and the number of personnel recommended for the award of such medals is very small.

There is no award in the Defence Forces for survivors of hostile action. If such an award were to be created, it would have to be extended to all members of the Defence Forces who suffered in a similar way. As I have indicated so many personnel who serve overseas are exposed to various degrees of hostile action, significant numbers would qualify for such an award.

Awards are made to all personnel who serve on overseas missions, which aim to recognise the contribution made by the members of each contingent serving on the peace-keeping mission and the difficult circumstances in which they have to operate. In this regard, the personnel referred to have received both a United Nations medal for their service in the Congo awarded by the UN and the United Nations peace-keeping medal awarded by the Government.

Defence Forces Personnel.

606. **Mr. Haughey** asked the Minister for Defence the financial and medical arrangements which have been put in place for a army corporal (details supplied) who has recently retired from the army on health grounds; and if he will make a statement on the matter. [5477/06]

Minister for Defence (Mr. O'Dea): The military authorities have advised that once a member of the Defence Forces retires or is discharged from the Defence Forces, the Defence Forces do not provide any subsequent medical care or treatment post retirement-post discharge and nor do the Defence Forces meet the costs of such medical care or treatment. When the person in question is discharged from the Permanent Defence Force, he will be entitled to a pension and gratuity in respect of his military service.

On retirement or discharge, a former member of the Defence Forces may apply for a disability pension if his-her case falls under the terms of the Army Pensions Act. The provisions of the Act are notified to all members on retirement or discharge from the Defence Forces.

The Acts provide that a disability pension may be granted to a former member of the Permanent Defence Force in respect of permanent disablement due to a wound or injury attributable to military service or to a disease attributable to or aggravated by overseas service with a United Nations Force. Those Acts require that application for a disability pension must be made within a time limit of one year after discharge in wound-injury cases and eight years in disease cases.

Enlisted personnel are covered for hospital and medical services, including medical cards, under the Health Acts on the same basis as other members of the community. They are also insured for the full range of benefits under the Social Welfare Acts, including unemployment benefit, disability benefit and invalidity pension.

Homeless Persons.

607. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the funding made by his Department to provide assistance to homeless people here; the total of all such funding in each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [5421/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Since 2000, the Department of Health and Children has provided €32.4 million additional funding to the Health Service Executive towards the implementation of Homelessness — An Integrated Strategy. This funding has been spent on meeting the in-house care costs associated with accommodation for homeless adults along with developing new designated services for homeless adults who are not ready or able to avail of mainstream services, including the development of primary care services in hostels and day services such as dental, GP, nursing, chiropody, alcohol detox and counselling. In addition, outreach teams and dedicated mental

health teams have been established with the aim of linking people who are homeless into mainstream services. Cumulative total spending on homeless adult services is as follows: 2000 — €1.3 million; 2001 — €8.9 million; 2002 — €18.4 million; 2003 — €21 million; 2004 — €26.1 million; 2005 — €30.2 million; 2006 — €32.2 million.

Social and Affordable Housing.

608. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of completed affordable housing transactions to date in 2006 under the 1999 affordable housing scheme, Part V of the Planning and Development (Amendment) Act 2002 and the sustaining progress agreement; and if he will make a statement on the matter. [5383/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details in relation to the number of affordable houses completed under the 1999 affordable housing scheme and Part V of the Planning and Development Acts 2000 to 2004 are published in my Department's quarterly and annual housing statistics bulletins copies of which are available in the Oireachtas Library and on the Department's website at *www.environ.ie*. The statistics are compiled on a quarterly basis, in arrears, from returns supplied by local authorities. The most recent publication was in December 2005 which related to the September quarter 2005. Under the affordable housing initiative, a total of 1,166 units have been provided to date, including Part V affordable units up to the end of September 2005.

I understand that the information supplied in these returns does not differentiate between completed units and those that have actually been handed over to applicants. Notwithstanding this, I expect local authorities to facilitate the early completion of all the necessary legal, financial and other formalities underpinning the sales process to achieve early occupation of the units.

I am confident that the various affordable housing schemes together with housing to be provided under the partnership agreement Sustaining Progress are all contributing to the Government's strategy for affordable housing and will deliver substantial output over the coming years. It is estimated that in excess of 15,000 units in total will be delivered from all of the affordable schemes over the next three years.

609. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if, following the publication of the most recent three yearly assessment of social housing needs, which showed that there were 43,600 households on social housing waiting lists, he will, as committed to in reply to Parliamentary Question No. 95 of 25 October 2005, be announcing a new statement of housing policy. [5474/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In December 2005, the Government launched a new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over coming years. The framework sets out an important programme of investment and reform to address the key policy challenges highlighted by the NESC report on housing and takes account of the results of the 2005 housing needs assessment and the work of the housing forum in relation to the effectiveness of social and affordable housing provision.

The framework builds on progress to date and proposes an integrated approach to housing in Ireland for the 21st century. It firmly places housing policy in the context of building sustainable communities, with a focus on continual improvement of the quality of housing and neighbourhoods.

As a result of extra capital provision in budget 2006, substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008 and 15,000 affordable homes to be delivered. In total, 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. Allied to this, a package of reforms is proposed to improve equity, efficiency and effectiveness. The focus is on improving community participation, improving services to ensure personal choice, autonomy and responsibility.

The framework focuses on policies to ensure an effective private housing market; increasing social housing provision, and its quality; reforming the social housing sector; improving pathways to homeownership. A further policy statement will be published during the course of this year which will set out more detailed approaches to these issues.

Management Company Fees.

610. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the progress being made in putting an end to the financial burden being placed on residents in new housing developments facing large fees from management companies when such developments ought to be taken in charge by local authorities; and if he will make a statement on the matter. [4965/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department issued a circular

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letter on 25 January 2006 reminding local authorities of their obligations under section 180 of the Planning and Development Act 2000 in relation to taking in charge of estates. The circular letter also clearly states that the existence of a management company to maintain elements of common buildings, carry out landscaping, etc. must not impact upon the decision by the authority to take in charge roads and related infrastructure where a request to do so is made.

I am also considering whether any further guidance should issue to planning authorities regarding planning conditions in relation to management companies. My Department asked planning authorities for a report on their policies on this matter in November 2005. Most planning authorities have now responded and it appears that the majority of planning authorities do not attach conditions to planning permissions requiring management companies to be set up in the case of housing estates. A number do so in specified circumstances, for example, where there is a shared waste water treatment plant between a number of houses.

A Law Reform Commission working group is currently examining legal aspects generally regarding management of multi-unit structures. The Government will consider the recommendations in its final report, including the need for any new legislation in this area. A recent report by an auctioneering and estate agency review group to the Minister for Justice, Equality and Law Reform recommended that property management service providers, which are commercial entities engaged by management companies or developers to carry out day-to-day management and maintenance, should be regulated by the new National Property Service Regulatory Authority.

Water and Sewerage Schemes.

611. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government when it is proposed to provide a sewerage scheme for the village of Neale, Ballinrobe, County Mayo and surrounding townlands; and if he will make a statement on the matter. [5001/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Mayo towns and villages sewerage scheme, of which The Neale is an element, is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007. My Department is awaiting submission of Mayo County Council's preliminary report for the scheme.

Decentralisation Programme.

612. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if, in relation to decentralisation proposals that are relevant to his Department he is satisfied that sufficient numbers of staff at Secretary and Assistant Secretary level are currently willing to decentralise; and if he will make a statement on the matter. [5036/06]

613. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if the secretary general of his Department has consulted officers at Assistant Secretary level regarding decentralisation; the number who have expressed an interest in decentralising; and if he will make a statement on the matter. [5051/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 612 and 613 together.

Consultations as referred to in Question No. 613 have taken place and the outcome has been reported to the Department of Finance. I do not consider it appropriate to indicate the individual preferences of officers concerned in my Department.

However, my Department's decentralisation implementation plans, which are available at *www.environ.ie*, already publicly pledge the support of my Department's senior management team in relation to the decentralisation programme. The plans state that my Department's Secretary General and Assistant Secretaries are committed to providing the necessary leadership to ensure a successful outcome, including the continuity of senior management experience through the transition to the decentralised locations and beyond. Senior management are also directly involved in overseeing the preparations for the transfer of the Department's operations to its new locations in line with required timescales.

Fire Stations.

614. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the progress in providing a new fire station at Graiguenamanagh and Urlingford County Kilkenny; if approval in principle will be given in each case; and if he will make a statement on the matter. [5056/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Kilkenny County Council has submitted proposals in respect of the construction of new fire stations at Graiguenamanagh and Urlingford, County Kilkenny. These proposals will be considered in the context of the 2006 fire services capital programme having regard to overall, for fire services capital investment.

Architectural Heritage.

615. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if permission has been sought by Kilkenny Borough Council from his Department to restore Black Freren Gate in Kilkenny City; if funding is available from his Department to carry out this work; and if he will make a statement on the matter. [5057/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Black Freren Gate in Kilkenny City is a national monument in local authority ownership and is the subject of a preservation order. My Department has not received any application from Kilkenny city in relation to the restoration of the gate. I understand the Office of Public Works has been monitoring the condition of the gate and has found it to be stable.

While my Department does not operate a specific fund for the maintenance of national monuments which are not in State care, it may be possible in certain limited circumstances to consider applications from local authorities for assistance to improve such monuments. It would be a matter for Kilkenny County Council to state the case for such assistance in the present instance.

Private Rented Accommodation.

616. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government the recourse a person and others like them have (details supplied); if he intends to make regulations to deal with the situation; and if he will make a statement on the matter. [5079/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Housing (Standards for Rented Houses) Regulations 1993 specify the minimum standards applying to rented accommodation, both private and social. Article 7 of the regulations requires that rented accommodation contain an appliance or appliances capable of providing adequate space heating. Enforcement of the regulations is a function of the relevant local authority. The individual in question should contact his local authority if he considers that his accommodation may not meet the minimum standards. If the local authority finds non-compliance they will serve a notice on the landlord specifying the works that must be carried out to the accommodation and can initiate prosecution proceedings where appropriate. Failure by a landlord to comply with the standards regulations is an offence.

While accommodation that complied with the regulations will be of an acceptable minimum standard, as the standards regulations are now 12 years in operation, it is my intention to review their content once the process of bedding down the new tenancy legislative regime permits.

Social and Affordable Housing.

617. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to introduce an enhanced tenant purchase scheme for long term tenants of local authority houses; and if he will make a statement on the matter. [5084/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 1453 of 25 January 2006. The position is unchanged.

618. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if a person who is in a position to do so can buy out a RESPOND house; if not, his plans to change the legislation to allow people to buy out RESPOND houses; if the same deal with regards to the discount which is offered up to ten years for people in local authority housing will be offered to these people. [5112/06]

622. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if consideration has been given to allowing tenants of voluntary houses to purchase their own home in line with a commitment he gave to introduce a pilot scheme in this area two years ago; and if he will make a statement on the matter. [5176/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 618 and 622 together.

I assume that the questions refer to housing provided by approved housing bodies with funding provided under my Department's capital loan and subsidy scheme. While there is no provision at present in the voluntary housing scheme for the purchase of individual houses by tenants, my Department indicated in the recently published document Housing Policy Framework: Building Sustainable Communities that consideration would be given, in consultation with the voluntary and co-operative sector, to pilot a tenant purchase scheme for some new voluntary homes under the scheme.

Already, residents of more than one year's duration of houses provided under the scheme who wish to become owner — occupiers may, on surrendering their house to the approved body, qualify for the following benefits: special mortgage allowance of €11,450 over five years for mortgages created on or after 1 January 2002 to assist with mortgage repayments; the shared ownership scheme; improvement works in lieu scheme in

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respect of the dwelling they are acquiring; low cost housing sites schemes, and exemption from the income limit for local authority loans. Full details of these options are available from local authorities.

Housing Aid for the Elderly.

619. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on correspondence (details supplied). [5155/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has approved the invitation of tenders for the provision of 32 units of accommodation for the elderly, which will be carried out under the capital assistance scheme available for voluntary and co-operative housing projects and has informed Cork County Council, which is responsible for the detailed administration of the scheme in their area, accordingly.

Water and Sewerage Schemes.

620. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the status of a sewage scheme (details supplied) in County Galway; if on approval this scheme can proceed through the various other stages without reference back to his Department as the estimated cost of the scheme is less than €5m; and if he will make a statement on the matter. [5166/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kinvara sewerage scheme is included in my Department's water services investment programme, 2005 to 2007, as a scheme to start construction in 2007 at an estimated cost of €2.8 million. Galway County Council's revised preliminary report for the scheme is under examination in my Department and is being dealt with as quickly as possible.

I have recently introduced new administrative procedures to provide that an individual scheme with a value of less than €5 million may, following preliminary approval by my Department, proceed to construction without further reference to the Department. Subject to the submission by the council of certain limited additional supplementary information, the new procedures will also be applicable to the Kinvara scheme.

Question No. 621 answered with Question No. 198.

Question No. 622 answered with Question No. 618.

623. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the urgent need that work should commence on the sewerage scheme planned for Gweedore, County Donegal due to the completely unacceptable situation where over 1,000 houses, confined to a restricted area, are dependent on septic tanks for sewage disposal; and if he will make a statement on the matter. [5287/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 347 of 8 February 2006.

624. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government when the sewerage scheme, which has been promised for Clonmellon, will be ready for construction; and if he will make a statement on the matter. [5363/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Clonmellon sewerage treatment plant extension has been approved for funding in my Department's water services investment programme, 2005 to 2007, under the serviced land initiative.

I approved Westmeath County Council's contract documents for the scheme in November 2005 and it is now a matter for the Council to advance the scheme through the tender process.

Local Authority Funding.

625. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the level of different waste collection charges in different counties is fair and equitable; and if he will make a statement on the matter. [5374/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. Under section 52 of the Protection of the Environment Act 2003, the determination of waste management charges is 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.

Waste collection is inherently a local service, and one in which central government has not intervened directly. Consequently, the Minister for the Environment, Heritage and Local Government has at no time exercised a function in determining waste management charges, or any associated waiver arrangements. Local authorities are empowered under the Waste Management Acts to set charges for the waste collection

services which they provide. Where a local authority does not directly provide a collection service, the determination of charges is a matter for the service provider concerned.

However, all service providers were asked to move to use-based charging from January 2005. This is in line with the polluter pays principle and encourages customers to better control the amount of their charges by availing of an increased number of recycling options. These new pay-by-use charging systems have the potential to significantly minimise the burden of waste charges by permitting a "pay-as-you-go" arrangement. In addition, as a means of promoting recycling, the Department makes a significant level of funding available to local authorities to increase the range of waste recycling infrastructure available to householders.

Historically, waste charges were pitched at a low level. However, waste charges have risen in recent years as local authorities, in line with the polluter pays principle, have moved towards full cost recovery for waste management services. In addition, waste charges have risen due to the higher environmental standards which are now being demanded by the regulatory authorities and society generally. This includes costs associated with the proper operation of landfills, their closure and ongoing management thereafter, as well as the need to contribute to the costs of the provision of appropriate recycling facilities.

I am 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.

Local Authority Staff.

626. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number of professional planners employed here; his views on whether there is a sufficient number; and if he will make a statement on the matter. [5375/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 2004 annual returns from planning authorities indicated that 470 full-time planners, 244 other professional staff and 265 part-time technical staff were employed in planning authorities. Annual returns for 2005 will be forwarded to my Department shortly. I am happy that this level of staff, which has substantially increased over the last ten years, is sufficient to sustain the existing high level of productivity within the planning service.

Questions Nos. 627 and 628 answered with Question No. 180.

Grant Payments.

629. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if payment will issue to landowners in the Shannon callows for special protection area designated lands; and if he will make a statement on the matter. [5379/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department will compensate landowners for all proven costs incurred or losses sustained as a result of complying with the management requirements of the Shannon callows special protection area on the basis of a costed five year plan under a shortly to be announced national parks and wildlife service farm plan scheme. Where standard rates of payment can be agreed, these will be available to farmers as an alternative to individual costings. The corncrake grant scheme funded by my Department with payment based on a one year agreement will continue to be available in 2006 before being replaced under the new arrangements.

630. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if the grant aid available for group sewerage schemes will be reviewed; and if he will make a statement on the matter. [5380/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In June 2005 I approved funding for the provision of new wastewater facilities at seven locations in County Tipperary as a pilot programme to test a range of new, small-scale wastewater collection and treatment systems under Irish conditions. The pilot programme, proposed by the national rural water monitoring committee, will also test a low cost, low maintenance system to collect, treat and dispose of effluent from existing septic tanks.

The objective of the pilot scheme is to evaluate new approaches to meeting the wastewater collection and treatment needs of rural villages and to examine the potential role for group sewerage schemes in extending the collection systems to households outside the catchment of the new or existing sewerage schemes. The outcome of the pilot programme will inform any review of the current group sewerage scheme grants.

Airport Development Projects.

631. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if his Department bore part of the total cost of the ERM report relating to public safety zones at the State airports; if so, the precise amount; and if he will make a statement on the matter. [5397/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department did not meet any part of the cost for this report, which I understand was borne in full by the then Department of Public Enterprise, now the Department of Transport.

Legislative Programme.

632. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government his proposals to amend the law on compulsory purchase and compensation in view of the fact that the primary legislation in this area dates back to 1845; and if he will make a statement on the matter. [5398/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I intend to introduce an amendment to existing compulsory acquisition legislation in the forthcoming Strategic Infrastructure Bill, to assist State bodies acquiring land in certain circumstances, and the feasibility of further amendment of such legislation is under consideration.

Litter Pollution.

633. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government his plans to maintain the national routes and motorway free of litter; if he has raised this matter with the National Roads Authority; and if he will make a statement on the matter. [5407/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under section 7 of the Litter Pollution Act 1997, it is a matter for each local authority to ensure that public roads — including national primary roads and motorways — in its functional area are, so far as practicable, kept free of litter.

Local Authority Housing.

634. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to determine the number of homeless people; the number of homeless people under 18 years of age and over 18 years of age in each county and city council area; and if he will make a statement on the matter. [5429/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The results of the March 2005 housing needs assessment in respect of homelessness are currently being validated by my Department in conjunction with the Homeless Agency. It is anticipated that the results of this assessment will be published in the Department's annual housing statistics bulletin.

Policy regarding homelessness among persons of under 18 years of age is primarily the responsibility of the Department of Health and Children in the context of the Government's youth homelessness strategy.

It is recognised that a comprehensive data system is essential to monitor progress in addressing homelessness. In response to this the Homeless Agency, in conjunction with homeless service providers in Dublin, developed the LINK System, with funding provided by my Department. The purpose of the system is to improve and develop services and service delivery to homeless persons to ensure they receive a continuum of care based on an accurate and up to date assessment of their needs.

The LINK system is intended to help the local authorities to formulate appropriate responses to the accommodation needs of homeless households and individuals. It also facilitates the identification of their non-accommodation requirements and provides a basis for the formulation of responses to their case and support needs by the statutory and voluntary agencies involved.

Environmental Policy.

635. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if, in view of the potential financial implications of a climate change agreement arising from talks in Montreal, the consultations his Department has had with regard to Ireland's position at the summit in Montreal; the content of those consultations; the agreements arising from those consultations; and if he will make a statement on the matter. [5430/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There were three substantial outcomes to the UN climate change conference, which took place last December in Montreal. The conference, as the first meeting of Parties to the Kyoto Protocol, formally adopted both the 2001 Marrakech Accords, which sets out the detailed rules for implementation of the protocol, and a compliance regime to ensure parties meet their commitments under the protocol. Second, there was agreement to begin consideration of post-2012 commitments for industrialised country parties that have ratified the Kyoto Protocol, and this process is expected to commence in May of this year. Finally, there was agreement to discussions among all countries, including those who do not have a quantified emission reduction or limitation targets under the Kyoto Protocol and those that are not party to the protocol, on longer-term cooperative action to address climate change. A dialogue will take place under the aegis of the convention to explore the broad range of actions

needed to respond to the climate change challenge. This dialogue will also commence in May.

It is too early to identify potential financial implications arising from the Montreal conference. Negotiations on a successor agreement to the Kyoto Protocol are likely to take a number of years and, while the Government intends actively to participate in international negotiations in support of the development of a successor agreement to the Kyoto Protocol, any implications of proposals that emerge from these negotiations will need to be carefully assessed. My Department did not engage in any specific consultations on preparations for the Montreal conference.

Ireland, like its fellow EU member states, is committed to meeting its greenhouse gas emission target for the period 2008-12. However, it must also be recognised that the Kyoto Protocol is only a first step and Ireland's position at summit in Montreal was fully supportive of the EU position on the need for further action at a global level post-2012. This position has been repeatedly underlined, *inter alia*, in conclusions of various meetings of the Council of Environment Ministers and of the European Council. As a matter of course, I brief the Oireachtas Joint Committee on Environment and Local Government in advance of all meetings of the Council of Environment Ministers, including in advance of the meeting of 17 October 2005 at which conclusions for the Montreal conference were agreed.

Planning Issues.

636. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the involvement his Department had in the establishment of a meeting between representatives of Shell, Statoil and Marathon Ireland with the chairman of An Bord Pleanála in September 2003; and if the desirability of such a meeting was discussed at a meeting with executives of Shell on 19 September 2003. [5431/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The chairman of An Bord Pleanála has previously indicated that he met with representatives of the Irish Offshore Operators Association in September 2003 to discuss general matters relating to planning. The minutes of that meeting clearly show that the board refused to discuss an individual case. The correspondence related to that meeting shows that it had been arranged in July, and its timing was, therefore, unrelated to any other meeting, including that with the Taoiseach on 19 September 2003. My Department had no role in the arrangements for the meeting with An Bord Pleanála.

Anti-Poverty Strategy.

637. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the efforts his Department is making at local authority level to reduce poverty; and if he will make a statement on the matter. [5432/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The promotion of social inclusion is a key policy objective for Government. Local authorities have an important role in achieving this objective at local level, reflecting their democratic mandate, wide ranging service delivery functions and specific responsibilities in areas such as housing and community development. The Local Government Act 2001 identifies social inclusion as a core issue to be addressed in local government activities. Local authorities also participate in delivering the national anti-poverty strategy, NAPS, and the national action plan against poverty and social exclusion, NAP-inclusion. Local authorities are giving effect to their role and responsibilities in tackling poverty and promoting social inclusion through the implementation of a range of initiatives.

For example, in line with guidelines issued by my predecessor in 2004, local authorities are now required to ensure that social inclusion is properly addressed in their corporate plans and supporting annual operational plans; in 2002, pilot social inclusion units were established in seven local authorities with funding of €4.1 million to date from my Department. I have decided to place these pilot units on a permanent footing from 2006, and to extend the programme to other local authorities; the local government anti-poverty learning network, representative of elected members and officials, was established in 2000 to provide a forum for sharing information and exchanging different local experiences and best practice on anti-poverty measures; local authorities are supporting the RAPID, Revitalising Areas by Planning Investment and Development, programme, which is targeted at the most disadvantaged areas in the country and under which such areas are prioritised for investment to tackle social exclusion. The cost to local authorities of employing the local co-ordinators in RAPID areas is met directly by my Department, at a cost of €2.8 million per annum; county and city development boards, CDBs, led by local government, and comprising social partners, State agencies and local development organisations operating locally, were established in 2000 to bring about the more co-ordinated delivery of public and local development services at local level. The boards have an important role in promoting social inclusion and tackling poverty at a local level.

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Each county-city local authority also has a community and enterprise unit, which provides administrative back up to the CDB and supports the local authorities' expanded role in community development and social inclusion; community and voluntary fora, established in each city and county in 2000 with funding of more than €1.3 million per annum from my Department, are also supported by local authorities. The fora are involved in promoting social inclusion and in facilitating community representation on public sector structures; and a sum of €6 million is being provided by my Department in 2006 for a new social capital fund.

This new fund relates to supporting and strengthening local authorities' work in building social capital and is in line with their expanded role in social inclusion and community development. It is intended that the fund will be used for targeted capital works carried out through local authorities, which are designed to enhance communities, address disadvantage and improve social cohesion at a local level.

Local authorities have a pivotal responsibility in providing and supporting the provision of social and affordable housing. Access to housing for low income groups is particularly important in tackling issues of poverty and social exclusion. More than €2 billion will be spent in 2006 on various housing measures.

Local authorities' five-year action plans for social and affordable housing now provide the basis for delivery of housing measures in an integrated and holistic manner, and in a manner which breaks cycles of dependency and disadvantage. The plans cover not only the capital investment in new housing units, but also address regeneration of run down estates, and policies on estate management and maintenance, all of which are key to developing good living environments for social housing tenants. I am satisfied that local authorities are now well placed, cooperating as necessary with other agencies, to meet the needs of the socially disadvantaged at local level.

Planning Issues.

638. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he intends to revise class 31 of the Planning and Development Regulations 2001 to allow for public consultation through a formal planning process if additional telecommunications antennae are proposed to be placed on a mast. [5440/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Oireachtas Joint Committee on Communications, Marine and Natural Resources reported in June 2005 on non-ionising radiation from mobile phone handsets and masts. The report made 11 recommendations, including a recommendation that planning guidelines and planning exemptions should be examined with a view to ensuring no "electromagnetic emissions" or "radio frequency emissions" emitting equipment be permitted to be sited near health centres, schools or other sensitive sites such as playgrounds or pitches, etc.

Following the report of the joint committee, the Government, in September 2005, approved the establishment of an interdepartmental advisory committee and an expert group, working to the committee, on the health effects of electromagnetic fields. The committee will provide advice to the Government on the appropriate action to be taken on foot of the recommendations contained in the report.

My Department is represented on the committee. The work of the committee and expert group is in train and it is understood that the committee expects to report to the Government before the end of 2006. On receipt of the committee's advice the Government will make a decision regarding appropriate action. In the interim period it is not proposed to amend the planning regulations.

Environmental Policy.

639. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the indicators he has introduced to measure performance by local authorities provides adequate coverage of environmental issues. [5441/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The publication, Service Indicators in Local Authorities 2004, by the Local Government Management Services Board reported on performance across 42 indicators of service, covering the broad range of local authority activities. These indicators were drawn up by the local government customer service group, following extensive consultation with local authorities. The customer service group is representative of my Department, local authorities and the Institute of Public Administration.

The 42 service indicators include indicators relating to waste, litter, schools' participation in environmental campaigns and enforcement of environmental and planning complaints. Reporting on these indicators is complemented by an extensive range of other environmental reporting mechanisms such as statutory EPA reports on the state of the environment, key environmental indicator reports, and specific reports on areas such as water quality, drinking water quality and waste management.

At the launch of the 2004 report in July 2005, I accepted the recommendation from the Local Government Management Services Board that there should be no changes to the 42 indicators

for 2005 and 2006. This will facilitate local authorities in tracking their performance over three years. However, I will shortly ask the local government customer service group to carry out a wide ranging review of the current suite of indicators and to complete the review in time for any revisions to apply to reporting by local authorities from 2007.

Waste Management.

640. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the revenue collected to date in 2006 from charges on consumers under the WEEE directive; and his plans for spending same. [5442/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The WEEE directive allows producers to show the cost of recovering and recycling "historic" waste, that is, waste arising from electric and electronic products put on the market before 13 August 2005. These costs are referred to as environmental management costs or EMCs. They are not imposed by or remitted to the Government, but are paid by producers to the two collective compliance schemes operating in Ireland, WEEE Ireland and the European Recycling Platform. These schemes are operating a producer responsibility initiative. Consequently, information on the revenue collected to date in 2006 is not available in my Department.

The purpose of the EMCs is to enable the schemes to pay for the environmentally sound management of all household WEEE taken back by retailers or deposited by members of the public at local authority civic amenity sites. The EMCs applied show the costs of recycling based on data submitted by producers to the WEEE Register Society Limited, the industry-based national WEEE registration body, which has an independent committee of management.

The WEEE register assessed and approved the EMCs and my Department has no function in the matter. The EMCs are under review and it will be a matter for the WEEE register to validate any revisions. Data relating to the operation of the scheme will be available following completion of this review.

Planning Issues.

641. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will make available figures that he might have regarding a change in the amount of planning applications for one-off rural houses arising from the adoption of the rural planning guidelines. [5443/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information sought is not available in my Department in regard to planning applications. The Central Statistic Office publishes quarterly statistics on planning as part of the housing quarterly statistics. This identifies planning permissions granted for one-off houses.

Question No. 642 answered with Question No. 154.

Question No. 643 answered with Question No. 218.

Question No. 644 answered with Question No. 133.

Services for People with Disabilities.

645. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if the review that is on going in his Department on the disabled persons and essential repairs grant schemes will be finalised by the end of the present Dáil session; and if he will make a statement on the matter. [5537/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is my intention that the review of the disabled persons grant scheme will be completed within the current Dáil session.

Waste Disposal.

646. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if it is Government policy, as stated in replies to Questions Nos. 1504 and 1505 of 25 January 2006, that local authorities should impose a fixed waste services charge on households to cover the fixed costs associated with providing the collection service coupled with a use-based charge per bin lift; if he approved the adoption of this approach by Waterford County Council when the county manager added a fixed charge of €150 per household to the existing charges per bin lift; his views on whether this policy will offer no incentive to householders to reduce the amount of waste being produced; and if he will make a statement on the matter. [5538/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My reply to Questions Nos. 1504 and 1505 of 25 January 2006 did not state that it is Government policy to require local authorities to set a standing charge for waste collection services provided by them. Many local authorities do not have a standing charge and rely exclusively on usage based charges. It is the case that, in accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste manage-

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ment charges is a matter for the relevant local authority, where it acts as the service provider.

Waste collection is inherently a local service, and one in which central Government has not intervened directly. Consequently, the Minister for the Environment, Heritage and Local Government has at no time exercised a function in determining waste management charges, or any associated waiver arrangements. Local authorities are empowered under the Waste Management Acts to set charges for the waste collection services which they provide. Where a local authority does not directly provide a collection service, the determination of charges is a matter for the service provider concerned.

However, to encourage households to minimise their waste, all local authorities and private waste operators were asked to move to use based charging arrangements from the start of 2005. In accordance with Government policy, as set out in Taking Stock and Moving Forward 2004, collectors have discretion as to the types of systems to be used, provided that the key principle of use-based charging is respected. As is the case in many local authority areas, a standing charge to cover fixed costs can be a component of such a charging system.

Special Area of Conservation.

647. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government when his attention was brought to the fact that the European Union habitats directive has a primary role in determining the location of waste landfill sites; the advice which was given by his Department to Waterford County Council regarding the proposed landfill site at Garrynagree being in contravention of the EU habitats directive when that advice was given; if his attention has been drawn to the fact that Waterford County Council did not have the information in regard to the protection of certain wildlife species in the general vicinity of the proposed landfill at Garrynagree at any stage in the preparation of the proposal; if his attention has further been drawn to the fact that this lack of information being available to Waterford County Council has caused the loss of at least €1million of taxpayers' money; and if he will make a statement on the matter. [5539/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The River Lickey was proposed for designation as a special area of conservation, SAC, in 2003 as an extension to the Blackwater river SAC. As required under section 4 of the habitats regulations, my Department notified the other relevant Departments and planning authorities of the intention to designate.

In January 2003, officials of my Department furnished Waterford County Council with full details, including maps, of the proposal to designate the Lickey as an SAC. At the planning consent stage in March 2003, my Department sought clarification from the council regarding control measures for preventing negative impacts such as siltation on the River Lickey. In particular, the importance for the population of Margaritifera that is present in the river is highlighted.

Details of how it was proposed to monitor effects of the facility on the Margaritifera population was also requested. The council replied that the issues raised by my Department would be addressed as part of the licence application to the EPA. In addition, the proposed SAC sites were publicly advertised in June 2003 by way of newspaper and radio advertisements in the local media.

Prior to this, in 2002, this waste landfill project was the subject of complaint to the European Commission. In that context, my Department has been in contact with the local authority in the preparation of a response to the Commission, including in regard to issues concerning the habitats directive. The interim response to the Commission pointed to the need for the project to obtain planning and environmental licensing approvals and the independence of these regulatory processes.

It is a matter for Waterford County Council, as promoters of this development, to obtain this necessary statutory approvals and to address any environmental issues which arise in this context. The decision not to proceed with the project in light of a draft decision of the EPA on the licence application was entirely a matter for the local authority. Costs incurred in proposing and seeking regulatory approval for this development are a matter for Waterford County Council as promoters of the project.

Question No. 648 answered with Question No. 141.

Local Authority Housing.

649. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of affordable houses provided since the inception of the affordable housing scheme; and if he will make a statement on the matter. [5766/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information to end September 2005 on the number of affordable housing units acquired under the 1999 affordable housing scheme and Part V of the Planning and Development Acts, 2000 to 2004, is published in my Department's housing statistics bulletins, which

are available in the Oireachtas Library and on the Department's website at *www.environ.ie*.

Under the affordable housing initiative, a total of 1,166 units have been provided to date, including Part V affordable units up to the end of September 2005.

Questions Nos. 650 and 651 answered with Question No. 223.

Services for People with Disabilities.

652. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has identified the financial requirements of each local authority in respect of disabled person's grants; the extent to which he has met or intends to meet such requirements; and if he will make a statement on the matter. [5769/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Notification of individual allocations to local authorities for the disabled person's grant scheme in 2006 will issue following the publication of the Revised Estimates for Public Services 2006 and as soon as all authorities have submitted their expenditure outturns for 2005 and Estimates for 2006.

Question No. 653 answered with Question No. 131.

Water and Sewerage Schemes.

654. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which adequate domestic drinking water and storage facilities exist at present; his plans for augmentation; and if he will make a statement on the matter. [5771/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some €3.7 billion will be spent under the National Development Plan 2000-2006 on the provision of water services infrastructure. Substantial increases in water treatment and storage capacity are being achieved as a result of this investment. Schemes completed since 1997 have produced additional drinking water treatment capacity equivalent to the needs of a population of 1,073,000. The increase in storage capacity over the same period was sufficient to meet the requirements of a population of 1,740,000.

Management of public drinking water supplies is the responsibility of the local authorities who have a range of instruments and measures available to them to conserve sufficient stocks to meet anticipated needs and ensure quality standards. In addition, my Department co-ordinates and finances a major programme of investment in improved infrastructure, active leakage control, telemetry and rehabilitation of water mains. Details of such projects that have been approved for funding by my Department are set out in the Water Services Investment Programme 2005-2007 which is available in the Oireachtas Library. The schemes included in the programme are derived mainly from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall strategy for meeting necessary water supply and treatment requirements.

I am satisfied the planning and resources are in place to ensure that the national water supply infrastructure can cater adequately for current and anticipated requirements.

655. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has identified the number of sewage treatment plants or pumping stations privately owned or in the ownership of the various local authorities that have caused or are likely to cause pollution to ground water; his plans to address this issue; and if he will make a statement on the matter. [5772/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EPA reports on water quality in Ireland present a review of water quality in various water bodies, including groundwaters, and identify suspected causes of pollution. The EPA also provides details of the quality of urban waste water discharges and sewage sludges in its reports on urban waste water discharges in Ireland. Both reports are available in the Oireachtas Library.

Local authorities are responsible for the operation and maintenance of public waste water infrastructure. They operate under the general supervision of the EPA, which can issue advice, recommendations and directions. The EPA reports provide authorities with guidance in regard to any shortcomings in performance in individual locations. Where capital works are required to attain the required level of performance, applications from local authorities for funding under my Department's water services investment programme are afforded particular priority.

Discharges to groundwater by local authorities are generally subject to licensing by the EPA. Local authorities are responsible for monitoring and, where appropriate, licensing private wastewater discharges to groundwater. Details of such discharges are not available in my Department.

656. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the steps he has taken or proposes to take to address the issue of methane gas emissions from public sewerage treatment facilities; and if he will make a statement on the matter. [5773/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand methane gas is not released in a well operated and maintained wastewater collection or treatment system. Sludge is a wastewater treatment by-product and the generation of methane gas for use as a fuel may be a beneficial feature of sludge treatment, in particular anaerobic digestion. Sludge treatment facilities should not release methane into the environment in the course of normal operation.

Local authorities are responsible for the operation and maintenance of public wastewater infrastructure and for resolving any shortcomings in performance. Where capital works are required to attain the required level of performance, applications for funding by local authorities under my Department's water services investment programme are considered in light of the individual authority's identified water services priorities at the time.

Housing Grants.

657. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of houses provided through the aegis of Respond or other similar voluntary groups or housing co-operatives; and if he will make a statement on the matter. [5774/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume the Deputy refers to accommodation provided by voluntary and co-operative bodies under the Department's voluntary housing capital assistance scheme, introduced in 1984, and capital loan and subsidy scheme, introduced in 1991. Up to and including 30 September 2005, a total of 15,982 units of accommodation have been provided since the introduction of the schemes.

Figures for the December quarter are being compiled and will be published in due course in the Department's 2005 Annual Housing Statistics Bulletin, copies of which will be available in the Oireachtas Library. The information will be also available on the Department's website at *www.environ.ie*.

Question No. 658 answered with Question No. 215.

Questions Nos. 659 and 660 answered with Question No. 154.

Departmental Contracts.

661. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of contracts funded by his Department which have incurred cost overruns in the past four years; and if he will make a statement on the matter. [5782/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has more than 3,700 suppliers of goods and services. It would involve a disproportionate amount of time and work to examine the files relating to all contracts held with those suppliers over the last four years and compile the details referred to in the question. If the Deputy wishes to indicate a particular more limited area of interest, my Department will seek to provide the information sought.

Radon Gas Levels.

662. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which radon gas is being monitored; the locations at greatest risk; and if he will make a statement on the matter. [5783/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): During the years 1992 to 1999, the Radiological Protection Institute of Ireland, RPII, carried out a nationwide survey of radon gas in domestic dwellings. The survey involved the measurement of radon for a 12-month period in a random selection of homes in each 10 km x 10 km grid square throughout the country. The results of the survey were used to predict the percentage of houses in each grid square with radon concentrations in excess of 200 becquerels per cubic metre, Bq/m3, which is the national reference level in respect of houses. Grid squares where this percentage is greater than 10% are designated as high radon areas and such grid squares exist in every county. The RPII's website, *www.rpii.ie*, contains a comprehensive map showing the location of high radon areas throughout the country. County radon maps and survey results can also be viewed on this website by clicking on the county by name.

Epidemiological studies provide evidence that long-term exposure to high levels of radon increases the risk of lung cancer and that this risk is higher for smokers than non-smokers. The RPII estimates that some 200 lung cancer deaths annually in this country are linked to radon. In September this year, the RPII and the National Cancer Registry of Ireland issued a joint press release which pointed out that on the basis of a recent Europe-wide survey of the health risks of radon, smokers are 25 times more likely than non-smokers to develop lung cancer due to radon. Furthermore, the press release stated that the vast majority of the estimated 200 annual radon-related lung cancer deaths occurred among those who smoked.

My Department, largely through the RPII, has allocated significant resources to assessing and highlighting the problems associated with high levels of radon in households throughout Ireland and to increasing public awareness of the risks. As part of its campaign to further enhance public awareness of radon, the RPII, in late 2004, began a nationwide series of public information seminars on radon, targeted at high radon areas. So far, seminars have been held in Sligo, Kilkenny, Waterford, Ballina and Tralee. These seminars have received widespread media coverage and have generated a large number of inquiries from the public. The RPII has plans to visit Clonmel, Ennis, Carlow and Galway this year.

Recent research commissioned by the RPII found that 75% of the general population is aware of radon. In addition, in the past two years, there has been a significant increase in the number of radon measurements undertaken by householders compared with previous years. Both my Department and the RPII have consistently urged householders to measure their homes for radon levels, particularly if they live in an area that is considered to have high radon concentrations. The testing is inexpensive at approximately €50, straightforward and non-invasive.

If the household is found to have high radon levels, remediation work may be recommended. Technical guidance on radon remediation techniques is available in a booklet issued by my Department called Radon in Buildings — Corrective Options, which is available on my Department's website at *www.environ.ie*. The RPII has also issued a guidance booklet entitled Understanding Radon Remediation — A Householders' Guide. This is available on the RPII website, as is a list of companies which can provide a radon remediation service and offer specific advice and recommendations.

Local Authority Housing.

663. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he will report on his Department's consideration of Dublin City Council's plans for redevelopment of its Charlemont Street flats complex; the reason for the delay in approving this plan; and if he will make a statement on the matter. [5796/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A preliminary report has been submitted to my Department by Dublin City Council setting out an outline of the scope of regeneration proposals for the Charlemont Street flats, including the Tom Kelly flats complex. Some informal discussions have already taken place with the council and it is intended to hold further discussions on the proposed regeneration in the near future.

Public Service Vehicles.

664. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the number of small public service vehicles recorded by the vehicle registration unit in each of the years since and including 2000, with a breakdown by vehicle type (details supplied) and by local authority; and if he will make a statement on the matter. [5798/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested for the years 2000 to 2004, inclusive, is published in table 8 of the annual Irish Bulletin of Vehicle and Driver Statistics, available in the Oireachtas Library. The details for the year 2005 are set out in the following table.

	Taxi	Hackney	Limousine	Total
County Councils				
Carlow	103	78	5	186
Cavan	40	106		146
Clare	150	248	21	419
Cork	1,084	890	83	2,057
Donegal	184	289	5	478
Galway	554	374	15	943
Kerry	178	231	66	475
Kildare	474	356	78	908
Kilkenny	153	80	5	238
Laois	89	81	4	174
Leitrim	13	44	2	59
Limerick	190	143	20	353
Longford	49	36	2	87
Louth	297	137	20	454
Mayo	142	185	6	333
Meath	740	175	31	946

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	Taxi	Hackney	Limousine	Total
Monaghan	2	97	1	100
Offaly	50	137	10	197
Roscommon	29	110	2	141
Sligo	94	65	5	164
North Tipperary	15	111	3	129
South Tipperary	9	180	1	190
Waterford	43	40	10	93
Westmeath	286	60	4	350
Wexford	85	145	12	242
Wicklow	191	163	29	383
City Councils				
Dublin	9,934	812	265	11,011
Limerick	339	66	3	408
Waterford	169	51	4	224
Total	15,686	5,490	712	21,888