



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Thursday, 2 March 2006.*

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## DÁIL ÉIREANN

—  
*Déardaoin, 2 Márta 2006.*  
*Thursday, 2 March 2006.*  
 —

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

—  
*Paidir.*  
*Prayer.*  
 —

### Requests to move Adjournment of Dáil under Standing Order 31.

**An Leas-Cheann Comhairle:** Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office.

**Mr. F. McGrath:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance and concern, namely, the urgent need to assist the families of the Stardust fire tragedy in Artane on St. Valentine's Day, 1981; the need to hold a fresh inquiry into this terrible fire; and the need for all Members of the Oireachtas to support the march in Drumcondra next Saturday and to give the families the maximum advice and support on this matter.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major national importance, namely, the need for the Tánaiste and Minister for Health and Children, Deputy Harney, to reconsider her stance on the provision of free health care to an estimated 100 women who are desperately ill with hepatitis C but who have not tested positive. They have every other manifestation of hepatitis C, they received a positive diagnosis of the disease from their consultant hepatologist and desperately need help. I urge the Tánaiste to intervene.

**Mr. J. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the use of Shannon Airport by the Commander in Chief of the US armed forces to meet and rally US soldiers involved under his orders in the criminal occupation of Iraq, with cataclysmic consequences for the Iraqi people; whether the Irish Government had prior knowledge of and authorised this event and whether it will tax the public purse to pay for the security provided for it; and to require the Taoiseach to address the Dáil on this matter.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of urgent national importance, namely, the increasing levels of obesity and heart disease in Ireland and the related need to improve urgently active participation levels in sport by children and adults through tens of millions of additional investment in facilities. This would save the State money in the medium term, as the Minister for Health and Children will be interested to know, because it would result in lower health care costs and increased productivity. I request this debate particularly in light of the reply of the Minister for Arts, Sport and Tourism to my parliamentary question of yesterday, in which he stated that 37%, or more than one third, of all sports funding is spent on horses and dogs. I gather the only exercise most people get is walking to the pub or the bookies. This is a scandal and I am gobsmacked.

**Mr. F. McGrath:** Inside information on the dogs.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to consider a matter of national importance requiring urgent attention, namely, the study showing a significant level of tuberculosis infection in parts of Dublin city; the inadequate hospital treatment provision for tuberculosis patients following the failure to put in place promised inpatient beds and medical teams in the wake of the grossly irresponsible closure of the tuberculosis unit at Peamount Hospital, which closure the Government facilitated; and the need for the Tánaiste and Minister for Health and Children to outline the measures she will introduce to address this threat to public health.

**Mr. Durkan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of vital national interest, namely, the recent and alarming reports of increased incidence of tuberculosis, with particular reference to the north inner city; the obvious failure to provide the promised 18-bed unit in St. James's Hospital, Dublin, on the closure of the specialised unit at Peamount Hospital, which had previously catered expertly for such patients; the need for the Tánaiste and Minister for Health and Children to clarify why the very effective specialised unit at Peamount Hospital was closed; why, despite promises made at the time, no replacement facilities have been provided and why co-ordinated maintenance and treatment have been discontinued; and if the Minister will now indicate her intention to directly intervene with a view to resolution.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of urgent public importance, namely, the increasing levels of tuberculosis in Irish society and the

[Mr. Gormley.]

need for the Tánaiste and Minister for Health and Children to ensure that full tuberculosis services be restored at Peamount Hospital; and the need to implement the recommendations of experts such as Dr. Luke Clancy.

**Mr. Gogarty:** Hear, hear.

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

### Order of Business.

**The Tánaiste:** It is proposed to take No. 12, motion re proposed approval by Dáil Éireann of a proposal for a regulation of the European Parliament and the Council on the law applicable to contractual obligations — Rome 1 — back from committee; No. 13, motion re proposed approval by Dáil Éireann of a Council regulation on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations — back from committee; No. 14, motion re proposed approval by Dáil Éireann of a Council decision annexed to the communication from the Commission to the Council calling on the Council to provide for measures relating to maintenance obligations taken under Article 65 of the treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that treaty — back from committee; No. 22, Competition (Amendment) Bill 2005 [*Seanad*] — Report Stage resumed and Final Stage; No. 24, Building Control Bill 2005 — Second Stage, resumed; and No. 25 — statements on Transport 21.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 12, 13 and 14 shall be decided without debate; the proceedings on Report and Final Stages of No. 22 shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Enterprise, Trade and Employment; the following arrangements shall apply regarding No. 25: the statements of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, Labour Party and Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the statements of each other member called upon shall not exceed ten minutes in each case; members may share time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

**An Leas-Cheann Comhairle:** There are three proposals to be put to the House. Is the proposal for dealing with Nos. 12, 13 and 14 without debate agreed? Agreed. Is the proposal for dealing with No. 22, the conclusion of Report and

Final Stages of the Competition (Amendment) Bill 2005, agreed?

**Caoimhghín Ó Caoláin:** It is not agreed. I am conscious that the Report and Final Stages of the Bill could conclude before 1.30 p.m. but one must object in principle to the application of a guillotine. The Competition (Amendment) Bill 2005 is important because it will have a significant effect on the retail sector. I urge the Government to remove the guillotine from the proposal and allow the debate on the various amendments which have been presented to proceed without restriction. The imposition of a guillotine is unnecessary. In a previous manifestation, the Government Chief Whip introduced very few guillotines. That marked his early stage in office.

**Mr. Kitt:** We must stop these debates at some stage.

**Caoimhghín Ó Caoláin:** He is falling into all the bad habits of his predecessors and colleagues on the Government Front Bench who have held his current position.

**Mr. S. Power:** That shows the futility of consistency.

**Caoimhghín Ó Caoláin:** I urge the Chief Whip to forgo the employment of this unnecessary guillotine.

Question, "That the proposal for dealing with No. 22 be agreed to", put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with No. 25, statements on Transport 21, agreed? Agreed.

**Mr. Kenny:** I suppose I should start by congratulating the new manager of the Irish football team, Mr. Steve Staunton, on the great start to his new career.

**Mr. Howlin:** Hear, hear.

**Mr. Kenny:** Tús maith leath na hoibre.

**Mr. Timmins:** Stan the man.

**Mr. J. Brady:** Is Fine Gael going to give him a run?

**Mr. Hayes:** We have better men.

**Mr. Bruton:** I thought Keano was our target.

**Mr. Naughten:** Deputy Brady will be doing enough running from now on.

**Mr. Stagg:** Steve Staunton's father is from County Mayo.

**Mr. Hayes:** We will not need him.

**Mr. Hogan:** We have a plan for Deputy Brady.

**Mr. Kenny:** He should ask Deputy Glennon about such matters.

**Mr. Durkan:** It is called a relay race.

**Mr. Kenny:** Can I ask the Tánaiste about four Bills in her area of responsibility? Some 58 Bills were published in 2004 and 41 Bills were published in 2005. The number seems to be drying up now.

I commend the Tánaiste on meeting the representatives of the women to whom the Neary case relates. I am glad that the Government has announced it will establish a redress board to deal with the hurt and emotional scars of the women in question. It is commendable because it is the right thing to do.

Three times last year, the House was promised legislation to establish a nursing home inspectorate, but there is no sign of it. More than a year after the Supreme Court judgment on the charges imposed on people in long-stay institutions, there is no sign of legislation to provide for repayments to them. The Tánaiste is aware that many such people are reaching the end of their lives, but there is no sign of legislation to compensate them. The House has not been given an indication of when legislation to provide for the statutory establishment of the health information and quality authority will be brought before the House. There is no sign of the pharmacy legislation. I have referred to four important Bills.

In commending the Tánaiste on meeting the women involved in the Neary case, I ask her to agree to the request for a similar meeting that was made by Parents for Justice, which represents the parents of deceased children whose organs were removed for research purposes without their knowledge or consent, in its letter of 8 February last. The group would like confirmation that 54 boxes of material which were presented to the Tánaiste by Ms Anne Dunne SC, who conducted an inquiry into this matter, will not be destroyed as their contents have never been published. Will the Tánaiste confirm that the material will not be destroyed and that she will meet representatives of Parents for Justice to discuss their problems? We should have a debate on the report at an appropriate time.

**The Tánaiste:** The Minister for Arts, Sport and Tourism is delighted to accept Deputy Kenny's congratulations on behalf of the Irish football team.

**Mr. Howlin:** The last politician to try to claim such credit for a sporting victory was Charlie Haughey in Paris.

**The Tánaiste:** I will check with my office whether my willingness to meet representatives of Parents for Justice to discuss the Madden

report on organ retention has been communicated to them. I have indicated that I am more than happy to meet the group on foot of its request for a meeting. I will have to get legal advice on whether the documentation that was submitted by Ms Anne Dunne SC can be made available. I am certain that there is no intention to destroy it. It was passed on to Dr. Deirdre Madden when she was compiling her report. When the documentation was originally submitted to me, the legal advice I was given was that it was not possible to publish it.

The establishment of a nursing home inspectorate will be provided for in the legislation that will establish the health information and quality authority on a statutory basis. That legislation will be presented to the Cabinet next Tuesday, as will the legislation relating to long-stay charges. The pharmacy and medical practitioners legislation, which is being worked on as a matter of priority in the Department of Health and Children and the Office of the Chief Parliamentary Counsel, will be ready later this year.

**Mr. Kenny:** I thank the Tánaiste.

**Ms McManus:** I would like to ask some questions on the findings of the report on the practices at Our Lady of Lourdes Hospital in Drogheda. I welcome the Tánaiste's decisions to meet representatives of the women who suffered at the hands of Dr. Neary and to establish a compensation scheme. I am sure she recognises that the Government does not have a good record on compensation schemes. Almost 18 months have passed since we were told that elderly people who were illegally charged for long-term care would get their money back, but we are still waiting for the relevant legislation. When will the legislation that is needed to establish a compensation scheme for the women involved in the Neary case be brought to the Cabinet? How does the Tánaiste intend to decide who will be responsible for the payment of such compensation? That the Government's record in this regard is not good is clear when one considers its handling of the redress scheme for people who were mistreated in residential institutions. Will the women who suffered at the hands of Dr. Neary have to wait for agreement to be reached between the Department and the hospital authorities, or will they be compensated in advance of such an agreement? That question needs to be answered.

I would like to ask the Tánaiste about the serious implications of an issue that was mentioned in the report on the Neary case. The report raised doubts about current practice in other hospitals in peripheral areas. Does the Government intend to carry out a full assessment of services in public and private hospitals throughout the country? Such an assessment is necessary if we are to ensure that women can access proper care and are not subject to practices which are damaging their health. A few months have passed

[Ms McManus.]

since the religious ethos interfered with the care of a cancer patient in the Mater Misericordiae University Hospital, which is hardly a peripheral hospital. What are the Tánaiste's plans for conducting a full assessment throughout the country to ensure that best practice prevails? I suggest that the report on the Neary case be referred, after it is debated in the House next Wednesday, to the Joint Committee on Health and Children to ensure that its extensive findings are the subject of ongoing scrutiny.

**The Tánaiste:** As I said to Deputy Kenny, a Bill providing for repayments to those who had to pay long-stay charges will be presented to the Cabinet next week. It is intended that the legislation will be brought through the Oireachtas over the next few months and it is hoped that it will be passed by the summer. The legislation has proven to be quite complex as a result of issues relating to wards of court, etc. It is ready to be considered by the Cabinet.

The Taoiseach said yesterday that the Government is committed in principle to ensuring that women who were affected by the actions of Dr. Neary will be compensated. Although the Government has not formalised that position, we will discuss it shortly. I was anxious to meet Patient Focus, the group representing the affected women, to hear its reaction to the report and to get its input into any redress proposal the Government might put in place. The intention is to ensure we bring closure as quickly as possible for the affected women. They have been waiting eight years. They have confidence in the judge and her report and they made that clear to me yesterday. They are anxious that the Government brings early closure to this.

There are issues surrounding insurance. Everyone in the House supports the notion that the taxpayer would be liable to a minimal extent, which may result in issues for insurers. However, we would not want the women affected to experience a delay in their compensation while the Government pursues the issue with insurers. The matter may require legislation and is being examined by the Attorney General.

Yesterday, I met four representatives of the medical board of the hospital and the hospital's management team. I am satisfied that there is a determination to put into effect the recommendations of this report, especially those concerned with audit and information. Mr. John O'Brien and his team from the national hospitals office will visit the hospital to discuss a precise timeframe with the management and the clinicians. The college of obstetrics has an inspectorate and a training function in this regard. Representatives from the college visited Our Lady of Lourdes Hospital in 1987 and 1992. They made recommendations following their visit in 1992 which were not implemented. I want to discuss with them how we can ensure that recom-

mendations made will have an impact on patient safety. I also want to have discussions with the Medical Council.

No patient's safety should come before the ethos of any institution. Patient care and safety must be paramount. Professor Drumm and the HSE are very determined to ensure that appropriate standards of safety are in place across the hospital system. Given the recommendations of this report, it is particularly important that we look at what the judge called "isolated units" that may be operating in the health system and not just in obstetrics. I believe that Our Lady of Lourdes Hospital is now the safest place in the country. The hospital has seven obstetricians and two or three of them will discuss each individual case. The same applies with the anaesthetists. We want to ensure that multidisciplinary team work occurs across the different specialties in all hospitals.

**Ms McManus:** It is not clear what the Tánaiste is saying in her reply. Surely she accepts that the Institute of Obstetricians and Gynaecologists has been discredited—

**An Leas-Cheann Comhairle:** We cannot discuss this.

**Ms McManus:** She did not answer the question I asked. The Institute of Obstetricians and Gynaecologists has been discredited in this report. We cannot depend on it to carry out an assessment. Will the Tánaiste or the Health Service Executive carry out the assessment?

**An Leas-Cheann Comhairle:** This has nothing to do with proposed legislation.

**The Tánaiste:** I do not have any expertise in this area. It is not a matter for me to carry out the inspections. The Medical Council is the regulatory body for the medical profession and it also approves the training facilities, such as the college of obstetrics. Those bodies have issues which must be examined. I have arranged to meet next week with Dr. Hillary, the president of the council, and his colleagues. I also want to meet representatives of the college. There are clearly issues for the HSE that go beyond the council and the college. I will discuss those matters with the national hospitals office of the HSE shortly. I had a meeting yesterday with one of the representatives of the office who wants to consider the implications of the report for hospital facilities throughout the country.

**Mr. Sargent:** I thank the Tánaiste for meeting Patient Focus and those affected as well as the hospital authorities. Legislation arises from this issue and it is important that the Tánaiste indicate the timeframe involved for the redress board, given that the 25-year neglect is at the heart of this controversy. What is the timeframe for the

medical practitioners Bill on foot of the 1978 Act? Will the legislation that puts the Medical Council on a statutory basis apply more widely than the original Act or will there be separate legislation to deal with the fallout from the report to which the Tánaiste referred?

Yesterday, Deputy O'Donnell described the lack of charities legislation as farcical and I agree with her. Today, Deputy Glennon has been reported as saying that there is no political will in the Government to deal with the problem of alcohol.

**Mr. Glennon:** That is not what I said.

**Mr. Sargent:** It is written in the newspapers.

**Mr. Glennon:** The Deputy should not believe everything he reads in the newspapers.

**Mr. Sargent:** I am sure the Deputy can clarify the issue with the Tánaiste.

**An Leas-Cheann Comhairle:** This is not a matter for the Order of Business.

**Mr. Sargent:** I would like to clarify whether the Government is serious about the issue. Dr. Conor Farren stated that if we are depending on the drinks industry for education, we are in a sorry state. Will the sale of alcohol Bill be brought back from exile? Will the Tánaiste give it some time and then put it into exile so that she can apply this voluntary code about which she has spoken before? Is there a trial period after which the situation is reviewed? Alcohol related problems costs us €2.65 billion per annum. It is important that we know how much the alcohol industry is being given to deliver the education.

**The Tánaiste:** The heads of the Bill on medical practitioners legislation will be published between Easter and summer so that people can have an input into defining the legislation before it is published in the autumn. That legislation informed our thinking in advance of this report. When a doctor becomes a consultant in Ireland, he or she is placed on a specialist register and stays on it for the rest of his or her career, unless he or she is struck off for fitness to practice reasons. That is not best practice. Doctors must meet certain competence assurance standards. Part of the legislation will make it a statutory requirement to meet competence assurance standards every few years. That can only be done if one is involved in ongoing training and education and if one's performance is audited. That will be a central part of the legislation and is one of the recommendations in the report.

The Medical Council is a statutory body but the profession is self-regulated. I want to see a greater input from lay people into the regulation of medics in this country. At the moment there is a huge majority of doctors on the Medical Council and that needs to change for the good of

the profession and to improve public confidence. I have been discussing this with the Medical Council recently.

**Mr. Sargent:** How much time is to be given to the trial period?

**The Tánaiste:** Two years from the time it was implemented.

**Mr. Timmins:** I congratulate the Tánaiste on her commitment to implement the recommendations of the publication of the task force report on sudden cardiac deaths. The report stated that we have no good samaritan legislation in Ireland and it called for a review of the situation. Will the Tánaiste give a commitment that the Government will introduce such legislation during this Dáil term? I hope she has a more enlightened approach than the Minister for Justice, Equality and Law Reform.

**Ms McManus:** Hear, hear.

**Mr. Timmins:** I met a constituent who had elective surgery cancelled in recent days. Will the Tánaiste confirm that she issued a directive to hospitals that people in accident and emergency departments for three days or more should be given preference over people who are due for elective surgery?

**An Leas-Cheann Comhairle:** That is not in order.

**Mr. McCormack:** It is a regular occurrence.

**Mr. Timmins:** Is this a mechanism to falsely reduce the number of people in accident and emergency beds?

**An Leas-Cheann Comhairle:** That question is not in order on the Order of Business.

**Mr. Timmins:** The Minister might like to clarify it.

**An Leas-Cheann Comhairle:** The Deputy should put down a parliamentary question.

**Mr. Timmins:** Was such a directive issued by the Tánaiste in the last few weeks?

**An Leas-Cheann Comhairle:** That is not in order on the Order of Business.

**Mr. Timmins:** The Tánaiste will answer.

**An Leas-Cheann Comhairle:** The Deputy should put down a parliamentary question.

**Mr. Timmins:** I have done that but I will not get the reply until the summer.

**Mr. McCormack:** It is not in order for the people whose operations are cancelled.

**An Leas-Cheann Comhairle:** I call Deputy Stagg.

**Mr. Timmins:** A Leas-Cheann Comhairle, the Tánaiste has to reply on promised legislation.

**An Leas-Cheann Comhairle:** There was no question on promised legislation.

**Mr. Timmins:** The first question was on the good Samaritans Bill.

**An Leas-Cheann Comhairle:** I call Deputy Stagg.

**Mr. Timmins:** A Leas-Cheann Comhairle, the Tánaiste wishes to answer. I have asked her a question.

**An Leas-Cheann Comhairle:** There is no promised legislation.

**Mr. Timmins:** It would help proceedings if you would give her the opportunity to reply.

**An Leas-Cheann Comhairle:** There is no promised legislation.

**Mr. Timmins:** The Tánaiste gave a commitment this morning to implement the recommendations of a report.

**An Leas-Cheann Comhairle:** I call the Tánaiste on promised legislation.

**The Tánaiste:** Approximately 5,000 people in Ireland die each year from sudden cardiac death and about 60 of them are under the age of 40. One of the recommendations is the need to consider whether we need good Samaritan legislation to protect people who—

**Mr. McCormack:** We need a few good Samaritans anyway.

**The Tánaiste:** —come to the assistance of others and help them to use a defibrillator. This has not yet been considered and I do not know what issues are involved. However, I gave a commitment that the recommendations in the report would be implemented by the Government over the next number of years on a priority basis. The Deputy attended the launch so he has heard me say this already. We must examine the legal issues surrounding good Samaritan legislation.

**Mr. Timmins:** What about the directive?

**The Tánaiste:** I gave no such directive to any hospital.

**Mr. Stagg:** Probably the most important power or right ordinary Members of the House have is

to ask a parliamentary question and be guaranteed a reply. I will proceed to promised legislation in a moment but I put down three parliamentary questions on 25 January to the Minister for Health and Children. She referred the questions to this famous section in the HSE that is supposed to answer parliamentary questions. I put down further questions on 16 February asking the Minister when I would get a reply. The replies I received on 16 February stated there was an oversight in referring the questions, that they were inadvertently not referred and that I would get a reply in a couple of days.

These questions were asked on 25 January. They are straightforward questions. Members are entitled to replies in accordance with the law as established by this House. The unit that is supposed to reply to these questions should do so through the Minister and the House. It is not appropriate that the questions we ask in the House are answered privately, sometimes by telephone. Will the Tánaiste reconsider the section of the Bill that does not require the HSE to answer through her office? If the unit answered through the Tánaiste's office, the replies would be on the record of the House. It is a major retrograde step for the rights of Members that we cannot ask questions and get replies. It is taking two months to get replies to straightforward questions.

**Mr. Naughten:** If you are lucky.

**Ms O. Mitchell:** They should be on the record of the House.

**Mr. Durkan:** I have had a similar experience. I have received no reply to a question put down on 25 January. The question sought to ascertain the people who are involved in advising the Minister as spin doctors, consultants or media advisers. I do not expect to receive a reply. Interestingly, I put down a question about Naas Hospital around the same time and I was told in the reply that the question was being referred to the parliamentary section of the HSE. However, I got a reply yesterday which stated:

The executive has responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and a reply will issue to the Deputy in due course.

A Leas-Cheann Comhairle, as a long-standing Member of the House, you know that the responsibility rests with the Minister, not with the Health Service Executive, spin doctors or advisers. It rests with nobody other than the person to whom the moneys are voted by this House. I strongly protest at the way the House is being abused.

Two days ago, I put down a question to three Ministers — the Minister for Health and Children, the Minister for Justice, Equality and Law Reform and the Minister for Education and Children — about a serious urgent matter relating to two children who were absent without leave from school and from home. The Ministers for Justice, Equality and Law Reform and Education and Science transferred the questions to the Minister for Health and Children, which means I will never get an answer to my question. This is a serious matter; it could affect the health and safety of the children concerned.

The crowd of goons on the Government benches might think it very funny but this is an abuse of the parliamentary system. Incidentally, I will be coming after the Minister, Deputy Noel Dempsey, shortly about the Dingle programme.

**Mr. N. Dempsey:** The Deputy was not a bad man for abusing the system himself. He cost the taxpayer a fortune.

**Mr. D. Ahern:** The Deputy was renowned for interfering when he was in the then Department of Social Welfare.

**Mr. Durkan:** I will be coming after Deputy Noel Dempsey in a minute.

**An Leas-Cheann Comhairle:** Deputy Ó Caoláin on the same issue.

**Caoimhghín Ó Caoláin:** I wished to raise other points. Will I raise them now or will you call me again, a Leas-Cheann Comhairle?

**An Leas-Cheann Comhairle:** Yes, if they are on promised legislation.

**Caoimhghín Ó Caoláin:** The points that have been raised by other Deputies are very important. Over the past couple of weeks I have put down questions to the Minister for Health and Children and there has been a long delay in getting replies. I put down a supplementary question asking when the answers would issue. The reply was that the replies would issue that day. It is a magic formula because they issued on that day. It is not a coincidence. That question was the spur that extracted the information. It is bizarre.

In one of the questions, I sought to highlight the fact that the Minister has now adopted a practice of kicking to touch a greater number of parliamentary questions than any previous Minister for Health and Children. The Department replied that in excess of 45% of all parliamentary questions put down to the Minister are kicked to touch by being referred to the HSE for long delayed responses. In the case of the Minister's predecessor, the current Minister for Enterprise, Trade and Employment, Deputy Martin, it was just under 30%. There has been a 50% increase — from just under 30% to over 45% — in the number of parliamentary questions to the

Department of Health and Children that are kicked to touch and not replied to officially or properly by the Minister or her Department. The important point is that they are not on the record. This is an important issue. It must be addressed and rectified by the Minister. Members are not raising these issues for the sake of filling the Order of Business; there are many other issues we wish to address.

Having offered that criticism and asked the Tánaiste to address it, I welcome the report of Patient Focus and those it represents arising from its meeting with the Minister yesterday. I commend the Minister and her Department for meeting the requirements of Patient Focus and the victims of Dr. Neary. I hope the formula for redress which the Tánaiste is due to present shortly will meet with the expectations—

**An Leas-Cheann Comhairle:** A statement is not in order. The Deputy should ask a question.

**Caoimhghín Ó Caoláin:** —of the spokesperson for Patient Focus. I have two questions about legislation. Will there be primary or secondary legislation regarding the proposed severe restrictions on hospital visiting? This is creating tremendous distress for patients, particularly long-stay patients and older and very young patients. It is not good enough to scapegoat visitors for the serious issue of MRSA in our hospitals. That is effectively what the Tánaiste's recent proposals are about. She should not scapegoat the visitors but take responsibility and deal with the issue.

**An Leas-Cheann Comhairle:** The Deputy is out of order in making a statement. I call the Tánaiste.

**Ms Lynch:** A Leas-Cheann Comhairle—

**An Leas-Cheann Comhairle:** No, we must conclude. It is unfair to other Deputies who have questions down.

**Ms Lynch:** A Leas-Cheann Comhairle—

**An Leas-Cheann Comhairle:** I call Deputy Naughten. He must be brief.

**Ms Lynch:** Questions that are put down for the Minister for Health and Children are being answered privately by the hospital.

**Mr. Naughten:** I thank the Leas-Cheann Comhairle for allowing me to raise this issue, which relates to an Adjournment matter I put before the House.

**An Leas-Cheann Comhairle:** It is totally out of order on the Order of Business.

**Mr. Naughten:** On Tuesday, the Minister for Community, Rural and Gaeltacht Affairs came to



[Mr. Naughten.]

the House to answer on behalf of the three Ministers responsible for health, none of whom thought it worth their while to turn up.

**An Leas-Cheann Comhairle:** That is totally out of order.

**Mr. Naughten:** After reading five pages of a response, the Minister told me it was a matter for the Health Service Executive. I raised this issue in the House seven days prior to that in a parliamentary question.

**An Leas-Cheann Comhairle:** The Deputy must resume his seat.

**Mr. Naughten:** Seven days later, I raised it on the Adjournment and the Tánaiste and her colleagues did not think it worth their while to come to the House to answer it.

**An Leas-Cheann Comhairle:** That is out of order.

**Mr. Naughten:** The reply was a five-page speech in regard to people with disabilities, for whom no funding is available.

**An Leas-Cheann Comhairle:** The Deputy is completely out of order.

**Mr. Durkan:** It is a total disgrace.

**Mr. Naughten:** Then, after the fifth page of the reply, I was told it was a matter for the Health Service Executive.

This is an insult to the House. No one has ever insulted the House the way the Tánaiste and Minister for Health and Children has. We want answers now. To think that no Minister of the Department would turn up to take an Adjournment debate and that an answer such as that would be given is a disgrace and an insult to the House and its Members.

**Deputies:** Hear, hear.

**An Leas-Cheann Comhairle:** I call the next Member on the list, Deputy Costello.

**Ms Lynch:** On the same issue——

**Mr. O'Donoghue:** This place is getting like crank's corner.

**An Leas-Cheann Comhairle:** I must take the Deputies who are waiting.

**Ms Lynch:** Will I get an answer? Will the Tánaiste answer?

**Mr. Kitt:** This is the Order of Business.

**Mr. Stanton:** We are all in the same boat. No one is getting answers.

**An Leas-Cheann Comhairle:** I call Deputy Costello.

**Ms Lynch:** The Tánaiste has not answered.

**Mr. Costello:** I wish to raise a different issue. I give way to my colleague, Deputy Lynch.

**An Leas-Cheann Comhairle:** I remind Members that this is the Order of Business. I call Deputy Costello on the Order of Business.

**Mr. Costello:** I agree with everything said by every speaker in regard to this matter. The way we are treated with regard to parliamentary questions is a disgrace.

**An Leas-Cheann Comhairle:** That is not the question.

**Mr. O'Donoghue:** The Deputies should head for Hyde Park.

**Ms Lynch:** A Leas-Cheann Comhairle——

**Mr. Costello:** I have another question but other speakers wish to come in. I am prepared to give way to my colleague on this issue.

**Mr. O'Donoghue:** The Deputies should head for Hyde Park.

**An Leas-Cheann Comhairle:** As the Chair has pointed out, it is not in order to have a discussion on that matter.

**Ms Lynch:** A Leas-Cheann Comhairle——

**Mr. Hogan:** Things have got so bad, they will have to bring back Micheál.

**An Leas-Cheann Comhairle:** If there is not a question on the Order of Business, I propose bringing it to an end.

**Ms Lynch:** I will be very brief.

**Mr. Costello:** A Leas-Cheann Comhairle——

**An Leas-Cheann Comhairle:** Has Deputy Costello a question on the Order of Business?

**Ms Lynch:** A Leas-Cheann Comhairle, I will be very brief.

**A Deputy:** Let the Tánaiste come back.

**Ms Lynch:** On the same issue——

**An Leas-Cheann Comhairle:** I will call Deputy Lynch in her turn. She cannot jump the queue. There is a long queue ahead of the Deputy. I call Deputy Costello.

**Mr. Costello:** Should I move on to another issue before the Tánaiste comes in?

**Mr. Stagg:** On a point of order, a number of Deputies asked questions of the Minister for Health and Children and she has not answered. She should answer. On the Order of Business, the least we can demand is that the Minister for Health and Children answers the questions.

**Mr. Costello:** The Tánaiste has not had an opportunity.

**Mr. Broughan:** We are reduced to a position where we must mark our letters to the Tánaiste to read "This is a political matter for political answer" because other issues are not being dealt with and are being referred to Professor Drumm. Professor Drumm seems to be the Minister for Health and Children.

**An Leas-Cheann Comhairle:** I call Deputy Costello on the Order of Business.

**Mr. Broughan:** There is no accountability from the Minister with regard to health. That is the issue. Everybody on these benches has this problem with this Minister.

**Mr. O'Donoghue:** This is the same old joke.

**Mr. Broughan:** We get the occasional late answer from the other Ministers present, the Minister for Arts, Sport and Tourism and the Minister for Communications, Marine and Natural Resources, but we do not get answers on health. That is the issue.

**Mr. Durkan:** We get no answers.

**Mr. Stagg:** Will the Tánaiste not even respond to legitimate questions if legislation is promised in this area?

**An Leas-Cheann Comhairle:** The Chair has no power to force the Minister to reply.

**Mr. N. Dempsey:** It is not in the Standing Order.

**Mr. McCormack:** Will she just sit there and give no response?

**Mr. N. Dempsey:** The Deputy should read the Standing Order.

**An Leas-Cheann Comhairle:** On the Order of Business, I call Deputy Joe Higgins.

**A Deputy:** That is an insult to the House.

**Mr. J. Higgins:** A Leas-Cheann Comhairle—

**Mr. Costello:** Before we move on, I have a couple of questions on legislation for the Tánaiste.

**An Leas-Cheann Comhairle:** I call Deputy Joe Higgins.

**Mr. Costello:** The first question concerns the special task force set up by Professor Drumm — I am sure the Minister knows all about it — to consider the location of a tertiary paediatric centre for the entire country. I understand it is due to report by the end of this month. When will it report? Will legislation be required for the proposed facility?

Second, with regard to the Garda reserve, the Minister for Justice, Equality and Law Reform gave a commitment that he would bring to the House regulations that would then go to the Committee on Justice, Equality, Defence and Women's Rights. At what stage are the regulations and do they reflect the input from the various Garda representative associations?

**An Leas-Cheann Comhairle:** The Tánaiste should answer on promised legislation.

**The Tánaiste:** The group that was established to consider a location for a tertiary paediatric facility must report by the end of March, as the Deputy stated. That group is composed of representatives of the Department of Health and Children, the OPW and the Health Service Executive and it will report on time. I do not envisage that legislation will be necessary.

The Minister for Justice, Equality and Law Reform is proceeding with the regulations. He had invited the Garda Commissioner to make a submission, which is now to hand. The Minister will make the regulations as quickly as possible.

**An Leas-Cheann Comhairle:** I call Deputy Joe Higgins.

**Mr. Naughten:** On a point of order, numerous Members have asked the Tánaiste why she is not providing answers.

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

**Mr. Naughten:** Why do we have Adjournment debates? None of the Ministers is prepared to turn up and the answer I got after five pages was that it was a matter for the Health Service Executive. Why is the Tánaiste not prepared to respond in this House?

**An Leas-Cheann Comhairle:** The Deputy is out of order.

**Mr. Naughten:** Let the Tánaiste answer.

**An Leas-Cheann Comhairle:** I call Deputy Joe Higgins on the Order of Business.

**Mr. Durkan:** The Tánaiste wants to answer.

**The Tánaiste:** I am very happy to answer if I am allowed to answer.

**A Deputy:** All she has to do is stand up.

**An Leas-Cheann Comhairle:** I call the Tánaiste.

**The Tánaiste:** When the Health Service Executive legislation was passed in this House, we made one fundamental change with regard to how health services are delivered. We made the chief executive officer the Accounting Officer. He is responsible—

**Mr. Naughten:** The Tánaiste gave a commitment that questions would be answered in this House.

**An Leas-Cheann Comhairle:** The Deputy wanted the Tánaiste to reply yet he will not allow her to reply.

**The Tánaiste:** He is the accountable person for operational matters.

**A Deputy:** He is not doing it.

**The Tánaiste:** A parliamentary division has been established in that organisation, which has not been in place for much longer than a year or 14 months. One must be fair and reasonable. The executive is currently beefing up its parliamentary affairs division.

I answer a couple of hundred of questions in the House every week on policy issues. The idea that three Ministers would be asked why two children were absent from school is a bit much.

**Mr. Durkan:** It is the precise responsibility of the three Ministers. It is the Tánaiste's Department. She has failed miserably to live up to her responsibilities. It is negligence and she should not try to defend it. If there are serious repercussions, it will be her responsibility.

**The Tánaiste:** To have three Ministers asked why two children were absent from school is a farce.

**An Leas-Cheann Comhairle:** I call Deputy O'Sullivan.

**Mr. Stanton:** It is all a big joke.

**Mr. Naughten:** The Minister for Arts, Sport and Tourism can laugh but this is a bad day for the people of Ballinasloe.

**An Leas-Cheann Comhairle:** I call Deputy Joe Higgins, to be followed by Deputy O'Sullivan.

**Mr. J. Higgins:** Did the Government give prior approval for the rally of US troops at Shannon Airport with their commander-in-chief? What legislative enactment allows Irish soil to be used in a cynical propaganda stunt by an occupation army to facilitate the ongoing invasion of Iraq?

**Mr. Kitt:** Those questions are out of order.

**Mr. N. Dempsey:** There is no legislation.

**An Leas-Cheann Comhairle:** The questions are not about promised legislation.

**Mr. J. Higgins:** They are questions that the majority of our people are asking this morning.

**An Leas-Cheann Comhairle:** Yes, but they can be raised in other ways. The Order of Business deals with promised legislation.

**Mr. J. Higgins:** The Tánaiste should reply for the Government because a huge majority of our people are unhappy with Shannon Airport being used—

**An Leas-Cheann Comhairle:** The Tánaiste is not offering to reply. I call Deputy O'Sullivan.

**Ms O'Sullivan:** A major ESRI report will be published today in regard to participation rates in higher education. According to media reports, the report will indicate that just one socio-economic category experienced decreasing participation rates, namely, the children of low to middle income PAYE workers, who are clearly not doing as well under the current system as other groups. All other categories experienced increasing participation rates.

The Government promised in 1997 to reform the grants system and the assessment of grants. We are still waiting for the third level student support Bill. When will it be introduced? It is clear that some students are not going on to third level because the system mitigates against them. We need to have the legislation introduced so those students will not be unfairly treated.

**The Tánaiste:** I understand the Bill will be later this year.

**Ms O'Sullivan:** Will the Government bring it forward sooner? It is promised since 1997.

**The Tánaiste:** I am sure the Minister is working to produce the Bill as quickly as possible.

**A Deputy:** She is too busy getting her photograph taken.

**Ms O'Sullivan:** It is a long time since 1997.

**Mr. O'Dowd:** When will the building society amendment Bill, which is on the pink list, be published?

As Minister for Health and Children, will the Tánaiste inquire into the reason for the delay in the publication of the report of an inquiry into the 95 deaths in Leas Cross, which has been sitting on a desk in the Health Service Executive since 7 February, to be checked for accuracy? In answer to a parliamentary question, I was advised it would not be published until the middle of April, which is a disgraceful length of time for

such an important report to lie on a desk in the HSE. I ask the Tánaiste to inquire personally and insist that it be put in the public domain and debated in the House immediately.

**The Tánaiste:** I understand we will have the building societies legislation later this year. I am anxious that the Leas Cross report be published as quickly as possible, as is the HSE. I will discuss the matter with the HSE.

**Ms C. Murphy:** When will the property services regulatory authority Bill be published? Will it cover the area of management agents and management companies? The Law Reform Commission is considering the issue of management companies.

**An Leas-Cheann Comhairle:** It is not in order to discuss the contents of the Bill.

**The Tánaiste:** It will be 2007.

**Mr. J. Higgins:** What about all the householders being brought to court tomorrow by developers on foot of management company fees? It is a disgrace. When will the Government do something about it?

**Mr. O'Donoghue:** More superlatives.

**Mr. J. Higgins:** As they do not have them in Cahirciveen, I suppose it makes it acceptable.

**Mr. Wall:** Given the huge implications for the commercial and bloodstock industry in Kildare of the proposals to develop the Curragh Racecourse, when will the Curragh of Kildare Bill be brought before the House?

**The Tánaiste:** I understand it will be the middle of this year.

**Mr. Naughten:** On Derby day.

**Dr. Cowley:** As someone who has worked in the medical profession for many years, I abhor what happened in Our Lady of Lourdes Hospital. In reality sterilisation was used as a way of getting around the fact that it was not possible for people to have contraception in the past. I remember a Catholic priest——

**An Leas-Cheann Comhairle:** Does the Deputy have a question on promised legislation?

**Dr. Cowley:** Some 100 women who received anti-D have been refused free medical care service by the Tánaiste even though they are dying. I ask the Tánaiste to deal with the situation.

Last night the US Secretary of State, Condoleezza Rice, appeared on network television in the US and gave a good example of how

busy people should take exercise which, as a GP, I know is very important.

**An Leas-Cheann Comhairle:** Does the Deputy have a question on the Order of Business?

**Dr. Cowley:** As the Tánaiste and Minister for Health and Children is a very busy person, would she consider going on television and, like Condoleezza Rice, doing her pilates and whatever other exercise she does as a good example to the Irish people? As Minister for Health and Children it would be very much in her line.

**The Tánaiste:** I will get back to the Deputy on the matter.

**Mr. O'Donoghue:** After the Angelus.

**Mr. Morgan:** Will the nurses and midwives Bill include a provision for the review of symphysiotomy, a procedure carried out on many women victims without either their knowledge or consent? The majority of these procedures were carried out in Our Lady of Lourdes Hospital in Drogheda, some of them by the disgraced Dr. Michael Neary. Will the Tánaiste take on and deal with this issue? Like the victims of Dr. Michael Neary——

**An Leas-Cheann Comhairle:** Does the Deputy have a question on legislation?

**Mr. Morgan:** ——these people are still suffering greatly. It is time the Tánaiste met with them and dealt with the outstanding issues.

**The Tánaiste:** The Deputy is out of touch. I met them a few weeks ago.

**Mr. Morgan:** The Tánaiste has not met the victims of symphysiotomy.

**The Tánaiste:** I beg the Deputy's pardon. I met the group's chairperson.

**Mr. Connolly:** There has been a recent increase in the prevalence of tuberculosis, which is an infectious disease. Six people in the one pub in Dublin contracted the disease. If it had happened in a restaurant, a team would have taken action and closed the restaurant. Does the Tánaiste have any plans to take action there under health legislation? When will the report into the death of Pat Joe Walsh be published? I submitted questions asking whether Mr. Carey from Belfast had completed his part of the report.

**An Leas-Cheann Comhairle:** Does the Deputy have a question on promised legislation?

**Mr. Connolly:** I got a response that failed to deal with the aspect of whether Mr. Carey had completed his report and it is sitting on a desk somewhere waiting to be published.

**The Tánaiste:** Mr. Carey and his colleague are preparing the report. They will submit the report, which will be published. To the best of my knowledge he has not submitted the report. It will be published almost immediately. The family will have an opportunity to see it first. I understand the timeframe for its publication is April.

**Mr. Connolly:** What about the six people drinking in the one establishment?

**The Tánaiste:** In this morning's newspaper, I read about the report of Dr. Hannon, the microbiologist in the Mater Hospital. The HSE is seeking a copy of that report.

**Mr. Durkan:** Doctors should know about it beforehand if they are so well versed. If the Tánaiste had not closed the other place it would not have happened.

**Ms McManus:** It is clear from the Tánaiste's responses this morning that she is out of touch when it comes to understanding the democratic deficit in the health service.

**An Leas-Cheann Comhairle:** Does the Deputy have a question on the Order of Business?

**Ms McManus:** Does the Tánaiste not appreciate the risks attached to lack of information and accountability in the health service? We have had too many examples where information was not given and bad practice resulted in people's health and lives being put in danger. When she was in Opposition, the Tánaiste argued very strenuously for accountability. Her record as Minister shows—

**An Leas-Cheann Comhairle:** Does the Deputy have a question on the Order of Business?

**Ms McManus:** —she more than anybody else has shut down the means of communication established in this House over decades. I have a fundamental question on legislation. Will the Tánaiste change the legislation to ensure the procedures for answering questions in her area of responsibility are channelled through her and the Department of Health and Children so they are in the public domain and on the record? I am not making a frivolous point. I have tabled questions about public health nurses and doctors, social workers, areas of disadvantage and accessing health care.

**An Leas-Cheann Comhairle:** The Deputy cannot make a statement.

**Ms McManus:** All we get is a referral from the Minister. Approximately one month later we receive an interim reply from the HSE. It is like the third secret of Fatima. We cannot get the information, to which we are entitled and which the public needs to have. If the Tánaiste fails to

deal with this issue, the withholding of information will mean we will not be alerted to problems in the health service that are affecting people's health. The Tánaiste and nobody else will be held responsible as she drove through the establishment of the HSE despite—

**An Leas-Cheann Comhairle:** The Deputy is making a statement that is out of order.

**Ms McManus:** —advice from the Department of Finance recommending against doing so.

**An Leas-Cheann Comhairle:** The Deputy has failed to ask a question on the Order of Business.

**Ms McManus:** The Tánaiste cannot find €56 million. Months after it was discovered to be lost, we still do not know where the money is.

**An Leas-Cheann Comhairle:** The Deputy must conclude.

**Ms McManus:** We cannot find information about important issues in the health service because the Tánaiste no longer believes that accountability is part of her ministerial brief. It is time she took responsibility.

**Deputies:** Hear, hear.

**The Tánaiste:** Nothing really changes. The week I became Minister for Health and Children, Deputy McManus was saying these kinds of things and the tune goes on and on.

**Ms McManus:** Things have changed.

**The Tánaiste:** We fundamentally changed the manner in which health services are delivered when we introduced that legislation. It was a radical step which in time will be seen as having been extremely significant. Those responsible for managing services are accountable for the money spent.

**Ms McManus:** Not to the public.

**Mr. Stagg:** They will not answer.

**Mr. Naughten:** They are less accountable now.

**The Tánaiste:** It was opposed by both main Opposition parties and many people in official Ireland.

**Ms McManus:** It is not working.

**The Tánaiste:** Expecting somebody to deliver services without being accountable for the money is crazy.

**Ms McManus:** They are not accountable to the public.

**The Tánaiste:** I am responsible for health policy and in this House every week I answer a couple of hundred questions and I am more than happy to do so.

**Mr. Naughten:** She shoves another couple of hundred under the carpet.

**The Tánaiste:** Operational issues, such as some of the issues to which the Deputy referred, are matters for the Health Service Executive and are handled all the time by the executive. I have experience where Deputies ring me and I ring them back with information. The following week I receive a parliamentary question even though I have given them the information. I will not embarrass any of them because one of them is in the House. It is a bit of a joke, quite honestly.

**Mr. Stanton:** It is no joke.

**The Tánaiste:** If people want information, they will get it, and I assure Deputy McManus that there is no question of my not answering parliamentary questions.

**Mr. Stagg:** It is not true.

**The Tánaiste:** Operational issues are a matter for the HSE, as the Deputy knows.

**European Parliament and Council Regulation: Motion.**

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

That Dáil Éireann approves, in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measure:

a proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome 1),

copy of which proposed measure was laid before Dáil Éireann on 12th January, 2006.

Question put and agreed to.

**European Council Regulation: Motion.**

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

That Dáil Éireann approves, in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the

President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measure:

proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and operation in matters relating to maintenance obligations,

copy of which proposed measure was laid before Dáil Éireann on 12th January, 2006.

Question put and agreed to.

**European Council Decision: Motion.**

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

That Dáil Éireann approves, in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measure:

proposal for a Council Decision annexed to the Communication from the Commission to the Council calling on the Council to provide for measures relating to maintenance obligations taken under Article 65 of the Treaty Establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty,

copy of which proposed measure was laid before Dáil Éireann on 24th January, 2006.

Question put and agreed to.

**Competition (Amendment) Bill 2005 [Seanad]: Report Stage (Resumed) and Final Stage.**

**An Leas-Cheann Comhairle:** I call on Deputy Hogan to move amendment No. 5.

**Mr. Howlin:** What about amendment No. 3?

**An Leas-Cheann Comhairle:** It cannot be moved in view of the decision on amendment No. 2.

**Mr. Howlin:** We debated it, but I understood that the amendment in Deputy Hogan's name was simply that the words proposed to be deleted stand. This is to insert a new section and does not alter the words that are to stand.

**An Leas-Cheann Comhairle:** Amendments Nos. 3 and 4 cannot be moved in view of the decision on amendment No. 2.

**Mr. Howlin:** I believe the Leas-Cheann Comhairle is incorrect. The division on the previous amendment in Deputy Hogan's name decided that the words proposed to be deleted should stand. I am not altering that, but I seek in amendment No. 3 to insert a new subsection in addition to the words that should stand. I know there may not be a debate on it, since we have had that, but I wish to put the amendment formally.

**An Leas-Cheann Comhairle:** It has been decided that the words will stand.

**Mr. Howlin:** No, the House decided that the words in the Bill should stand. I am not altering them.

**An Leas-Cheann Comhairle:** Once the House has decided that the words should stand, one cannot move such a motion.

**Mr. Howlin:** That makes no sense in common English. The section stands, but I wish to insert a new subsection. I simply wish the matter to be put.

**An Leas-Cheann Comhairle:** The House has decided that the words stand, so the Deputy may not do that.

**Mr. Howlin:** I agree that the words will stand, but I wish to add a new subsection in addition. May amendment No. 3 simply be put?

**An Ceann Comhairle:** The amendment may not be put, since the Chair has already ruled on it. The House decided the words should stand, and they may not be changed thereafter.

**Mr. Howlin:** I do not propose that any word be changed. I propose that an additional—

**An Ceann Comhairle:** We cannot have an addendum.

**Mr. Howlin:** What we debated and what the House divided on was the amendment in Deputy Hogan's name, which was to alter the wording of subsection 15B. I now propose simply to add a new subsection.

**An Ceann Comhairle:** We will not debate that here, since the Chair had already ruled before I came in. I rule a second time — which I should not — the same way as the previous Chair. However, I will be glad to discuss the matter with the Deputy in my office if he so wishes. We have moved on from that point.

**Mr. Howlin:** I would not have agreed to the grouping of amendments had I known that. Predatory pricing is the meat of the issue, and I simply wanted—

**An Ceann Comhairle:** We have moved on, and the next amendment is No. 4 in Deputy Hogan's name, which cannot be moved. Amendment No. 5 in Deputy Hogan's name arises from committee proceedings.

Amendments Nos. 3 and 4 not moved.

**Mr. Hogan:** I move amendment No. 5:

In page 5, line 33, after "person" to insert the following:

“, including the National Consumer Agency and consumer groups.”.

This amendment is to allow the National Consumer Agency and other representative groups to have matters regarding the legislation investigated.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** There are several reasons that this amendment is inappropriate. First, any person who feels aggrieved will have the right to appeal under this section. Second, if this agency were mentioned, there might well be good reason to mention several others in the consumer or commercial area. In those circumstances, the amendment is inappropriate.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendment No. 6 in Deputy Hogan's name arises from committee proceedings.

**Mr. Hogan:** I move amendment No. 6:

In page 5, line 49, after "the" to insert "District Court or in the".

This amendment is to allow a cheaper opportunity to adjudicate on matters under the legislation rather than have all matters adjudicated by the Circuit Court and High Court, which, as the Minister of State knows, are much more expensive. I believe that the District Court would be appropriate to a large number of cases and allow people to take cases in a less expensive manner and with a lighter evidential burden, especially regarding predatory pricing and other such very serious matters. Ultimately, they may end up in a higher court through the appeal mechanism, but they should at least start in the District Court.

**Mr. Killeen:** If accepted, this amendment's impact would be that cases under sections 15C(1), 15C(2) and 15C(3) could be brought to the District Court. However, the District Court cannot grant reliefs such as injunctions and declarations. That is one reason that it would be inappropriate to have this provision. While the authority cannot seek damages, a private party can do so, and the limit on the District Court, as Members are aware, is €6,350, which is very low. In the circum-

stances, it would seem unhelpful to people who might wish to use this section that their actions be taken through the District Court. The Circuit Court would be far stronger.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendment No. 7 in Deputy Hogan's name arises from committee proceedings. Amendment No. 8 is related and may be taken with it.

**Mr. Hogan:** I move amendment No. 7:

In page 6, between lines 9 and 10, to insert the following:

“(5) For the purposes of this section, the cost to the retailer of the grocery goods shall be calculated inclusive of all discounts, rebates or other allowances received by the retailer on the supply of the goods.”

We had a good discussion on this on Committee Stage. Retailers, particularly multiples, could have a restriction of offer to eliminate the competition. They would have a supply of goods by quota in a community or locality to stymie the chance of their being available nationally. It should be available nationally and not simply in a small geographical area or community with the intention of engaging in predatory pricing and putting the competition out of business, particularly when safeguards are now being removed, allowing multiples to do as they wish without restriction or quota. Perhaps the Minister of State might comment on that and state how he can prevent the situation from arising where a multiple puts the competition out of business in a given locality without having the same offer available to all consumers nationally.

**Mr. Killeen:** It is important to state that restrictions on predatory pricing are not being removed by this legislation but strengthened. The first effect of the amendment would be that the same price would be charged in all shops operated by a retailer nationwide. It would impose a national pricing policy, clearly creating some difficulties in local markets. It would distort and prevent competition there, something entirely undesirable in the context of what we are trying to achieve. We are not in the business of creating a national market in groceries. It would be both anti-consumer and anti-competitive.

As Deputy Hogan said, we had a long debate on this yesterday, and the same issues arise regarding this amendment's impact as would arise in the case of the others. I do not want to go over all that again, but enforcement would be very difficult too, creating a large number of issues not provided for. It would certainly not have the effect of improving the situation from the consumer's perspective.

Amendment, by leave, withdrawn.

Amendments Nos. 8 and 9 not moved.

**An Ceann Comhairle:** Amendment No. 10 in the name of Deputy Howlin has been ruled out of order.

**Mr. Howlin:** I have the Ceann Comhairle's letter to the effect that this amendment is out of order. This matter was discussed on Committee Stage by leave of the Chair and the Minister responded to it. Amendment No. 10 is an amendment to the parent Act, namely, the Competition Act 2002. I presume that it runs foul of the Long Title ruling. Is that where the difficulty arises?

**An Ceann Comhairle:** It was ruled out of order because it is outside the scope of the Bill. The Bill deals exclusively with the revocation of the groceries order.

**Mr. Howlin:** As the Ceann Comhairle is aware, this Bill is the Competition (Amendment) Bill and its purpose is to amend the primary Act, namely, the Competition Act 2002. The amendment's purpose is also to amend the primary Act. This is an important issue on which the Minister commented on Committee Stage. While I do not know whether he would allow an adjustment to the Long Title to encompass this amendment, it is important at least to have a debate on the matter.

**An Ceann Comhairle:** The amendment must be ruled out of order because it is not the Long Title of a Bill, but its contents, that decides whether it is in order.

**Mr. M. Higgins:** This issue was discussed on Committee Stage when the Minister referred to, among other things, my raising the fundamental matter of this amendment on the Adjournment. He referred to my speech as being pained, empathetic, outraged and so on. However, I wish to focus strictly on the ruling under discussion, namely, Standing Order 125. Adequate notice was given of this matter on Second Stage and it was discussed substantially on that Stage. When in Government, my understanding was that while a member of the Government takes responsibility for introducing legislation, from the moment it comes before the House, it becomes the property of the House. Standing Order 125 is explicit that matters which are discussed substantially on Second Stage — this was done on Second Stage in this case — and which are again referred to on Committee Stage are relevant to the Bill in question. The suggestion that one can, as it were, resile to the Title by way of exclusion of the amendment is unacceptable. While I have no difficulty in living with Standing Orders, my understanding is that Standing Order 125 covers this situation.

While I am anxious to be as co-operative as possible in this respect, I will make a point. This amendment would insert a new section, section



[Mr. M. Higgins.]

4A, into the Competition Act 2002. While it was open to the sponsors of the legislation, that is, the Government, to call it the groceries order amendment Bill if it wished, it did not do so. It called it the Competition (Amendment) Bill.

As for the manner in which this is discussed, a further problem arises. During the debate on the Employees (Provision of Information and Consultation) Act, it was explicitly stated that when a similar amendment was inserted, such an amendment belonged by way of revision to the competition legislation.

By the way, very unhelpful remarks were made concerning this legislation on Committee Stage, including, for example, one which suggested that people with views similar to mine assume that all actors are poor, all barristers are rich and so on. That was a shameful remark. My remarks on the Adjournment and on Committee Stage were made on the basis of—

**An Ceann Comhairle:** Deputy, we cannot go back over Committee Stage. The position on Amendment No. 10 is that the Chair has ruled it out of order.

**Mr. M. Higgins:** I suggest that—

**An Ceann Comhairle:** I see that Standing Order 125 states that amendments may be taken provided such amendments are relevant to the provisions of the Bill.

**Mr. M. Higgins:** Absolutely. This is the Competition (Amendment) Bill and the amendment inserts a section in it.

**An Ceann Comhairle:** The amendment was ruled out of order on the basis that it was not relevant. We will move on to the next amendment. The Deputy has been afforded a good opportunity to make a point. Normally, we should simply move on.

**Mr. M. Higgins:** I know we should. However, normally the Government should introduce legislation under the proper title and the limitation should be expressed substantially. It was not.

**An Ceann Comhairle:** We are moving on to amendment No. 11 in the name of Deputy Howlin. As amendment No. 12 is related, amendments Nos. 11 and 12 will be taken together.

**Mr. M. Higgins:** I hope there will be a legal challenge on this issue which the legislation could have avoided. This will be my last remark. I hope that the intemperate remarks written for the Minister on Committee Stage will not be repeated. Otherwise I will be obliged to reply to them. I know more about artists' income than any bloody person writing speeches for the Minister.

**An Ceann Comhairle:** We are moving on from that amendment anyway.

Amendment No. 10 not moved.

**Mr. Howlin:** I move amendment No. 11:

In page 7, to delete lines 3 and 4.

As the Ceann Comhairle noted, amendment No. 12 is related. This is simply a technical amendment. It seems to me on simple reading that subsection 5(2) states that insofar as it is unrepealed, the Restrictive Practices Act 1972 is repealed. The Bill's Schedule includes all the enactments which are to be repealed and it seems to me that the Restrictive Practices Act 1972 belongs in that list. I am uncertain that the reason given to me on Committee Stage by the Minister is in any way valid because section 6 of the Bill provides him with the ability to bring in any section of the Bill, or any part of the Bill, at his pleasure after its enactment. It seems to me that it would be more properly and logically located in the manner I suggest rather than in the way presented by the Minister.

**Mr. Killeen:** I understand Deputy Howlin's point and what his amendment tries to achieve. Under normal circumstances, his point would undoubtedly be correct.

**Mr. Howlin:** These must be abnormal circumstances.

**Mr. Killeen:** It is somewhat unusual, in the sense that the Bill will only come into force as a result of a commencement order under section 6(3). The intention is that section 5(2) will not be commenced until all proceedings in train pursuant to the 1972 Act have been disposed of. Once that happens, a second commencement order will be introduced to give effect to section 5(2). The Bill has been drafted in this form to facilitate the making of the necessary confirmation orders in due course.

**Mr. Howlin:** I still do not understand the logic, inasmuch as the Minister may bring in any section of the Bill at his pleasure. Someone wishing to establish what provisions have been repealed by it will examine the Schedule. However, the repeal of the Restrictive Practices Act will not be noted in the Schedule. This seems to be both inelegant and confusing for potential readers of the Bill and contrary to the normal Standing Orders to the effect that all Bills should be clearly read. While I do not see why the Minister's purpose could not be achieved by the amendment, I will not exercise myself overmuch in this respect. Does the Minister of State not grasp my point?

**Mr. Morgan:** I support amendments Nos. 11 and 12. I am afraid the Minister of State's response to Deputy Howlin's amendments is in keeping with the Department's attitude to this

legislation. It seems to me that it wishes to create *à la carte* legislation from which it can pick and choose at will. Members were informed on Committee Stage that the previous amendment, namely, amendment No. 10, could only be dealt with in the context of the Industrial Relations Acts. However, this is not the case because, clearly, the Competition Authority was established under the Competition Act and this Bill pertains to that Act. Hence, the Government's attitude has been very unhelpful in this regard and does not lead to proper legislation.

At present, many freelance workers do not have the right to be collectively represented and effectively are being treated as though they were companies. This position is unacceptable and the amendment would have helped to resolve it. Within the context of this Bill, there was clear provision to deal with this issue and it is most unfortunate that Members have been misled on some occasions and misrepresented on others, as have the workers. As Deputy Michael D. Higgins has noted, workers have been accused of being well off in certain circumstances. I support these two amendments and hope the Minister of State will be somewhat more forthright in his response.

**Mr. Killeen:** The position I outlined does not arise from any particular preference in the Department or, indeed, on the part of the Minister. The legal advice was that this was the appropriate way to set them down. We looked again at them because I understood the import of what Deputy Howlin stated on Committee Stage and again on Report Stage. Frankly, I thought the logic of what he stated was strong but the legal advice is that this is the better way to format it.

Amendment, by leave, withdrawn.

Amendment No. 12 not moved.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

**Mr. Hogan:** I oppose the enactment of this legislation on Fifth Stage for the various reasons that were pointed out on Second Stage and Committee Stage by all sides of the House. It is an unusual situation where all sides of the House are almost in agreement, but the Government is ploughing ahead with this legislation irrespective of the views expressed on all Stages. It is rather strange that not even a technical amendment was offered by the Government side to show it cares about some of the views expressed on Second Stage. It is rather dismissive of all views contrary to the position of the Department.

The Minister for Enterprise, Trade and Employment, Deputy Martin, indicated at the time of the abolition of the groceries order in November 2005 that he was prepared to listen to

various views and was prepared to put certain sections into the Competition Act which would protect the interests of consumers and which would ensure rebates and discounts were passed on to them but which would not allow a situation that would concentrate the market in the hands of a few. By opening up the legislation in the manner in which he has to ensure there are no proper safeguards on predatory pricing, he is putting at risk competition in the local marketplace in the sale of goods and services, allowing big business to supersede all other arguments over small business, and putting at risk the indigenous food and other interests which supply small and big business in this country.

This is a retrograde step in the absence of the protections and the clarification under law required to ensure predatory pricing was banned. If the Minister had no difficulty about the banning of predatory pricing under section 5 of the Competition Act 2002, he should have no problem whatsoever in accepting the views expressed by his backbenchers and the Opposition by inserting an amendment to ensure that what he had stated was, in fact, what the position would be and to give absolute clarity to the issue of predatory pricing in line with what all of us in this House would like to see happening. That was not forthcoming and the obstinate and stubborn manner in which the Minister for Enterprise, Trade and Employment has insisted on this legislation going through does him no service and, unfortunately, does competition in this country no service either.

**Mr. Howlin:** This Bill is based on populism. There was an outcry about stealth taxes and rising prices in this country last year which, I suppose, was captured most definitively by the work of Mr. Hobbs on television. The Minister's response was not to look at genuine cartels, at what was happening among some of the professions or to take on real vested interest, but by way of populism to make an issue of the 1987 groceries order. The groceries order, which has stood the test of time through successive Administrations of all political hues for 18 years and was found useful by all Administrations, and which was introduced originally by former Taoiseach Albert Reynolds when he was Minister for Industry and Commerce, who was hardly a rampant socialist, served its purpose.

I thought my analysis of the impact on prices, on Second Stage and over the duration of this Bill, provided a compelling enough case that this was not the appropriate target. It was not even responded to.

For nine of the 18 years prices covered by the groceries order increased less than prices not covered and for the balance, all but for the past two years, there was virtually no difference in prices. The notion that this was some significant anti-competitive device recently discovered was bizarre and unproven and no evidence, least of

[Mr. Howlin.]

all the tome published by the Minister as justification last year, proved that point. In fact, all shades of opinion across the Joint Committee on Enterprise and Small Business which looked at it felt that if ever there was a document that came to its conclusions first and then built the arguments around the conclusions, the Minister's document was it.

The Minister, in search of populism, is taking grave risks. The real issues voiced by experienced Deputies, former Ministers like the former Minister of State, Deputy Ned O'Keeffe, the Chairman of the Joint Committee on Enterprise and Small Business, Deputy Cassidy, as well as Members across the Opposition benches, were reasoned, sensible, knowledgeable arguments none of which were faced up to or argued against by the Minister. If one reads every utterance of the Minister since he first announced the abolition of the groceries order, as I tried to do, the general view is that he knew in his heart, just like de Valera, that this was the right measure. There is a certain irony, therefore, that it is a successor of de Valera in the constituency of Clare who is left holding the can today. I suppose a burden shared is a burden halved and when those particular chickens come home with bird influenza there will be more than one Minister to carry the can.

This is populist. The notion, from the Competition Authority or from the Minister originally, was that there would be a definitive reduction in grocery prices on foot of this to counterbalance the dangers of predatory pricing, building of dominance, crushing of competition and reduction of choice. Given the case made by such radical organisations as CROSSCARE or the Society of St. Vincent de Paul, which made a compelling case to the committee, the Minister has now abandoned any notion that there will be a quantifiable reduction in grocery prices because he knows we will be measuring and the CSO, which provided us with useful information last year, will be brought back at the end of this year. Perhaps the Minister of State, Deputy Killeen, would give us the yardstick by which to judge and in the concluding phase of this debate would tell us by how much he expects this legislation to reduce the cost of the grocery basket during the course of 2006. If he is so confident that this is the right measure, he should give us that yardstick.

There is no point in me taking up the time of the House anymore. We have made a compelling case. I approached this debate from the start with an open mind. If there was a compelling case I was willing to hear it. The Minister has reinstated many of the provisions of what he wanted characterised as a discredited groceries order. He has reinstated many of the provisions dealing with hello money and other issues. He has not, in my view and in the view of Deputies on this side of the House, dealt effectively with the issue of predatory pricing. He has trusted in European

law and European Court decisions to do so. That is a dangerous area to leave unregulated to a satisfactory extent.

I hope my analysis is wrong. I hope it will not lead to increased dominance by one or two big players in the Irish market, the exclusion of choice, the destruction of the small player in the market, and people who are dependent on public transport or who are elderly being totally disadvantaged having to shop in five, ten or 15 years' time in major hypermarkets on the fringes of our towns rather than in community facilities available at affordable prices as is generally the position at present.

**Mr. N. O'Keeffe:** I am disappointed that a broader view has not been taken on this on my side of the House. Yesterday I heard the Minister of State make the point that there is a significant number of consumers.

12 o'clock

That does not make the case to amend the legislation. The consumer will lose out in the short term. The problems in the UK have not been recognised here. The report on the groceries order has many flaws and can be rubbished significantly but it is the basis for change in the legislation.

The consumer will lose out because cartels will operate in the food industry. The two finest indigenous food production counties are Monaghan and Cavan, which the Ceann Comhairle represents, and they will also be losers. The Danish food industry is in major trouble because of the cartoon issue, which is regrettable. Danish products have been taken off the shelves in the Middle East and flown back to Denmark at a major loss to Arla Foods, the major food manufacturer in Scandinavia. Some of these products found their way on to Irish shelves last week, which led to the withdrawal of Irish and British products because they were being sold at a higher margin. This is what will happen to the detriment of small domestic producers and the food industry, which is a relatively small player in the European Union.

Large multiples will be the way forward. Since I took an interest in this issue, I have been unable to cope with the number of telephone calls and newspaper cuttings I have received. *Countryview*, a British magazine, recently published an article under the headline, "Time to protect small shops from supermarket dominance". The reporter, Joanna Baker, stated: "A stronger code of practice to protect supermarket suppliers, together with the need for an independent retail regulator and a moratorium on any further supermarket mergers and takeovers, were just three of the recommendations MPs made in the 'High Street UK 2015' report...". Today's *Financial Times* carries a story under the headline, "America's shoppers get selective" in which it is stated, "Consumers are adopting a pick-and-mix attitude towards supermarkets. Tesco and Wal-Mart take note...".

The groceries order report states Germany, which has the lowest food price inflation of the 15 member states, does not have a ban on below cost selling but this is false, as such a ban is in place. The report makes no distinction between symbol groups and multiple stores. The owners of symbol stores are independent retailers who voluntarily link to a symbol group. The symbol group relationships can be broken, generally with three months notice. It is false to only examine the sales of the symbol wholesaler and not to take into account that these are independent retailers, each making his or her own decisions on how they operate their stores. Independent retailers have a higher market share outside Dublin and prices outside Dublin are consistently lower than those in the capital, according to the CSO. In other words, prices are cheaper in rural Ireland than in Dublin because we have the market.

The report states that in the period since 1996 the rate of inflation in Ireland has been three times that in the UK and almost twice the EU average. This is misleading and, in isolation, gives a false picture of Irish inflation *vis-à-vis* UK inflation. UK food inflation is higher. Another study should be undertaken and the report should be rewritten. The report claims that the countries with a ban on below cost selling have the highest rate of inflation, which is also false. It fails to mention that, according to the EUROSTAT price level indices, a number of the countries with a ban on below cost selling have the lowest food prices in the EU.

The report rubbishes claims that seven out of ten villages in the UK have no local shops, yet the statistics clearly demonstrate this is the case. More than 70% of towns and villages with up to 1,000 inhabitants have no local shop. Villages such as Rathcormac, near Fermoy, and Kildorrery in my constituency had five or six shops but they are no more, even though each has 1,000 inhabitants on the electoral register. This is a serious scenario. The Department's report quotes an Office of Fair Trading report which has since been withdrawn and a new report is being prepared.

The Department's report fails to mention that the entry of Aldi and Lidl to the Irish market was facilitated by the existence of the groceries order. Without the order, Dunnes and Tesco would almost certainly have targeted the products being sold by Aldi and Lidl for below cost selling activity with a view to eliminating these discounters before they gained a significant market share. On predatory pricing and abuse of dominance, the report recommends that the existing provisions of the Competition Act 2002 should deal with predatory pricing. The report acknowledges that the Competition Act 2002 can only deal with cases where the retailer has a share of 35% of the market or more and that none of the retailers have this level of market share. Nevertheless, it argues that the Competition Act 2002 can provide a safeguard for independent retailers against

predatory pricing. This is obviously false. In addition, the report gives the impression that the Competition Authority has been represented on abuse of dominance cases. The Competition Authority has not forwarded files to the DPP on such investigations and no company has been prosecuted for abuse of dominance. There is no reason to believe the authority will change this stance in the future.

Competition between firms is important. Firms comprise individuals who manage and operate them. The report makes no attempt to analyse competition with respect to the ambitions of the market participants.

**An Ceann Comhairle:** The Chair is reluctant to intervene but many rulings have been made whereby only a brief comment on Fifth Stage of a Bill is permissible and it must be relevant.

**Mr. Morgan:** This is brief for the Deputy.

**Mr. N. O'Keefe:** My comments were never more relevant. This is a bread and butter issue.

**Mr. McHugh:** The Deputy's actions should speak louder than his words. He will be afforded the opportunity shortly.

**Mr. N. O'Keefe:** The Deputy would love to be over here where I am. He has tried hard and failed.

The food industry is a key sector here in terms of employment and trade. More than 210,000 people are employed in the production, distribution and sale of food. A total of 65,000 are employed in the retail grocery trade. The Minister of State's heart is in what we are doing because he comes from the same background as myself. He has inherited this legislation. The Minister for Enterprise, Trade and Employment was successful in the Departments of Education and Science and Health and Children and we are reaping the fruits of his work in the latter Department with his successor implementing his policies.

**Mr. Hogan:** The Deputy is clutching at straws.

**Mr. Morgan:** I am extremely disappointed with the way this legislation has been stream-rolled through the House. The Minister of State acknowledged that a significant number of amendments were logical and would have been beneficial but they were not accepted. I am afraid we are handing over the entire grocery trade to big business at the expense of small traders. Nobody will contest the theories on consolidation and economy of scale but small Irish towns and villages will be completely bereft of a grocery service to their inhabitants, who comprise pensioners, families on low incomes and others who do not have transport. They will be expected to travel more than ten miles to a super store to purchase their goods at rip-off prices once the small traders are despatched.

[Mr. Morgan.]

The Bill has clear deficiencies. The definitions of “predatory pricing”, “market dominance” and so on have not been dealt with adequately and this legislation has been exposed on all Stages of its passage regarding these issues. That is most unacceptable. The Government has caved in and amended legislation to facilitate IKEA while legislation has also been amended to facilitate incineration companies. In this instance, legislation is being amended to facilitate the grocery trade while further changes will result following the passage of the major infrastructure Bill. People in small towns and villages such as Shercock, Hackballscross and Ballyjamesduff in the north east will not have basic grocery services because of lobbying by big business, which the Government has fallen for again, and that is most unfortunate.

The Minister of State has also missed a significant opportunity to deal with the issue of freelance workers and their right to be collectively represented. They are not high fliers swanning about on our television screens. They are poor people struggling to eke out a living, whether they are freelance journalists, actors, playwrights and so on. There was duplicity in the debate. A Minister told us the appropriate legislation for such change would be the Industrial Relations Act. That is not the case. The Competition Authority, which used a block in this instance, was established under the Competition Bill. This Bill could have adequately dealt with this important issue for significant numbers of people. It is unfortunate that opportunity was not taken. I am disappointed by that and therefore oppose the Bill.

**Mr. Naughten:** I welcome the opportunity to speak on Fifth Stage. What the Minister has done with regard to this legislation is to give a blank cheque to large retailers here, many of them multinational retailers, to wipe out the smaller players within the industry, squeeze the consumer and ensure retailers get even larger returns than they do currently. What are the annual profits of these large multinationals and major retailers, for example, Dunnes Stores, Superquinn or Tesco? These profits are not disclosed to the public and this gives rise to serious questions.

While we all accept the groceries order was outdated, some key elements of it benefited consumers. The Minister of State may argue that this legislation is pro-consumer but that it does not allow for rebates or discounts to be passed on to the consumer means it is anti-consumer. No safeguards are in the legislation with regard to predatory pricing which is anti-consumer and anti rural Ireland. This legislation is bad for rural Ireland, the elderly and those on the poverty line. The Society of St. Vincent de Paul is very much against it for that reason.

Significant numbers of people in rural areas do not have their own transport, nor, thanks to the

Government, access to public transport. They will not have access to basic foodstuffs in their local community or village shop as a result of this legislation. In recent years the Government has closed down much of our post office network. Now, this legislation will close many of our rural shops and on the edge of major towns we will see massive supermarkets——

**An Ceann Comhairle:** We cannot have a Second Stage speech again.

**Mr. Naughten:** I will be brief. Every other EU country has taken the opposite position to the one we are taking. They are introducing, or have introduced, measures similar to the groceries order. We have seen the retail wastelands that exist in the United Kingdom.

This legislation is bad for producers, farmers and suppliers. A survey conducted by Fine Gael last summer highlighted the fact that there is a mark-up of up to 214% on basic food products from the farm gate to the supermarket shelf. The middleman does not benefit from this. Those who benefit are the major retailers. They make huge profits and put the squeeze on smaller retailers, suppliers and primary producers such as farmers. I urge the Minister of State to reconsider his position on this.

**Mr. M. Higgins:** The Ceann Comhairle will be pleased to hear that I will be brief. A very interesting confrontation of ideas, worthy of note, took place during the course of this legislation. It was between an unelected, but appointed, lobby group, the consumer strategy group, and the Joint Committee on Enterprise and Small Business, an elected body nominated by this House. As every speaker, both Government and Opposition indicated, the elected representatives spoke about competition and choice in the broadest sense. They spoke about the social consequences of the absence of retailing activity and the economic effects that are beyond the issue of price. The consumer strategy group took an extraordinarily narrow view of retailing, construing it entirely in terms of what has been suggested, namely, an assumed benefit on price, unexpressed in terms of outcomes with regard to time and heavily reliant on assumptions that are proven to not exist, such as assumptions of perfect market.

In that sense we had a very narrow distorted debate on citizen choice, the future structure of retailing, the embedding of retailing in a social and economic milieu and distinctions of rural life in transition to conditions of urban life. These were the legitimate considerations of the committee. On the other hand, the unelected group decided it would go for where it saw its chance, and that is what happened. The second group of people, the Competition Authority, was shown to be informing the debate on a flawed statistical basis to which it never replied.

The point has been made by me, Deputy Morgan, my colleague Deputy Howlin and others that this was an opportunity to amend the Competition Act. Unfortunately, during the debate on Committee Stage we had a distortion of Article 85.1, a misinterpretation of the European Commission's position and a misinterpretation of European competition law. The suggestion that was made during Committee Stage was unfortunate. I have said enough about it and may have been unparliamentary previously on the matter.

Frankly, the suggestion that the owner of a pharmacy is in the same position as a freelance actor who is selling his or her services is wrong. There is an obvious distinction. There is continuity in the asset in one case — the person is selling the same thing under known and predictable conditions which he or she controls. Therefore the business is therefore appropriately regarded as an undertaking or commodity. I do not agree with the idea that freelance musicians, journalists, photographers and artists etc. are the same. The example the Minister quoted on Committee Stage involved a ruling in a European Union case concerning opera singers. If he had further investigated the case, he would have found that the case dealt with a company selling operatic services. Therefore, it was legitimately called an undertaking, but not the opera singer.

I find it unfortunate that on Committee Stage my name was mentioned and quoted from an Adjournment Debate. I was described as pained. I stated I had one interest in this matter, namely that my wife is a founder member of the Stanislavsky Studio and a member of Equity. I have known actors, writers and musicians for all of my adult life. This is how I know of the precariousness of their lives. The unworthy suggestion that mine was an instinctive reaction from people who assume that all artists are poor and all barristers are rich is an unworthy statement to put on the record of the Dáil.

I am left in the position where I will now advise the trade unions that are taking part in social partnership not to proceed with any talks unless the Trade Union Act 1941 is amended. We had two choices. It is strictly within the ambit of this legislation at this stage that it could have amended through a new section 4A something that —

**An Ceann Comhairle:** The Deputy must conclude.

**Mr. M. Higgins:** I will conclude. It undermines the International Labour Organisation convention of 1988 and the entire corpus of trade union legislation. We will now proceed, in the fact that this legislation will be law, with the issue unaddressed. Our only choice is to lobby publicly for the change in the Trade Union Act 1941 and to encourage artists to proceed with the court cases they were forced to abandon on the steps of the court. That is what I will recommend.

**Mr. Morgan:** Spot on.

**An Ceann Comhairle:** The Deputy has gone well outside the scope of this Stage.

**Mr. McHugh:** The Government has its head in the sand on this issue. In that position one cannot see, and if the head is deep enough in the sand one cannot hear. This is a chronic case of Government tipping its hat to big business. The Minister has allowed himself to be led by advisers and has consequently taken advice that has no basis in fact and no foundation. There is no demand for this legislation. The Oireachtas Committee on Enterprise and Small Business knows there is no demand because it has the proof. It invited various representatives to its meetings and not one of the groups or individuals put forward a request for a revocation of the groceries order. That is the proof. This legislation is bad for the consumer and rural Ireland and will be proven so.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** I do not know whether it is appropriate to respond to the points made by a number of speakers, but the Minister for Enterprise, Trade and Employment, Deputy Martin——

**Mr. Howlin:** I thought the Minister of State had already spoken on Fifth Stage.

**An Ceann Comhairle:** The Minister of State is entitled to reply to the points made on Fifth Stage.

**Mr. Howlin:** Is he?

**Mr. Killeen:** I have only spoken on Fifth Stage——

**An Ceann Comhairle:** There used to be a time when he could speak after each Member but the ruling was changed.

**Mr. Howlin:** I invite the Minister of State to speak and I am delighted that he has the opportunity to do so.

**Mr. Killeen:** I have not spoken, in any event. I have merely moved that Fifth Stage be taken and the Bill be passed. A number of points have been made, some of which re-hash arguments made on Second, Committee and Report Stages.

**Mr. Howlin:** They are no less valid for that.

**Mr. Killeen:** It is very important to realise that some of the amendments put forward would have had the effect of undermining section 5 of the Competition Act 2002, which would have gone against everything said by many people. The Government was accused of populism amid concerns about stealth taxes and rising prices. There are no stealth taxes. Any taxes which are imposed

[Mr. Killeen.]

are done so through this House or by local authorities in an open and transparent manner, so they cannot be described as stealth taxes.

The issue of rising prices is one which is clearly of concern to the Government. It is not my fault if it is not of concern to those on the Opposition benches.

**Mr. Howlin:** That is unworthy of the Minister of State.

**Mr. Killeen:** We must remember that under the groceries order of 1987, 2,500 small businesses closed. That is pretty good going in 15 years and even if—

**Mr. Howlin:** That is like blaming the ambulance for the casualties.

**Mr. Killeen:** If there were no other reason for addressing this issue except the one I have cited, although there are many other reasons, it is a good one.

**Mr. Naughten:** The Minister of State should not blame Mr. Albert Reynolds for bringing in the order.

**Mr. Killeen:** A number of speakers asserted that the reason I am here is that the Minister for Enterprise, Trade and Employment, Deputy Martin, did not wish to deal with this, but I want to address that point. People are aware of the nature of the business being undertaken by the Minister at this point and of the success which his trip to the United States has brought. He would have had no difficulty in being here, no more than I have a difficulty now in representing him.

**Mr. Howlin:** This does not need to be done now.

**Mr. McHugh:** The Minister's itinerary was known last week and it would have been quite in order to schedule the legislation for some other time.

**Mr. Killeen:** The issue of the United Kingdom experience was also mentioned and the lessons to be drawn from that are quite different to those that many people are drawing. The *de facto* position in the country up to now was that wholesalers were effectively deciding minimum retail prices. There were some advantages for some people in that but there were none for consumers or for small retail businesses.

Deputy Morgan referred to the fact that I said one of the amendments tabled seemed logical to me. It did seem logical to me but I am not a legal person and the strong legal advice was otherwise. I am prepared to accept the legal advice because I do not claim to be a legal expert of any kind.

The IKEA store was another issue mentioned by Deputy Morgan. I go to Ballymun frequently to meet people out there, do functions and so forth and it seems to be an extraordinarily popular concept in the area.

**Mr. Morgan:** At what cost?

**Mr. Killeen:** It is also important to remember, with reference to a point made by a number of speakers, that to the best of my knowledge and so far as I have been able to check, not one single large business lobbied for this legislation. In fact, some of the businesses which lobbied against it include some of the largest in the country.

**Mr. Howlin:** Nobody at all wanted it, then.

**Mr. McHugh:** The Society of St. Vincent de Paul specifically asked that it not be introduced.

**Mr. Morgan:** And others.

**An Ceann Comhairle:** Allow the Minister of State, please, without interruption.

**Mr. McHugh:** One cannot say that the Society of St. Vincent de Paul is a large business or a representative of big business.

**Mr. Killeen:** It is clear that Deputy McHugh does not want to hear the truth on this matter. What I am telling him is that I have checked and not one single large business lobbied to—

**Mr. Howlin:** Who lobbied for it?

**Mr. Killeen:** —have this legislation put in place.

**Mr. Howlin:** Who wanted it?

**Mr. Killeen:** The point to which I am responding is not about who lobbied but the lie put forward by a number of speakers that big business lobbied for this legislation. It did not in so far as I have been able to check.

**Mr. Hogan:** Nobody here argued that.

**Mr. Killeen:** The point was made very strongly—

**Mr. McHugh:** There is no demand for it.

**Mr. Morgan:** None.

**An Ceann Comhairle:** Allow the Minister of State, please.

**Mr. Hogan:** It is the consequences of what the Government is doing that we were talking about.

**Mr. Killeen:** No, that is not what the speakers said. I am only responding to what was said. I am

not responding to the consequences, although I will respond to that as well.

**Mr. Hogan:** Who said it?

**Mr. Howlin:** Who said what?

**An Ceann Comhairle:** Allow the Minister of State to speak.

**Mr. Killeen:** A number of speakers said it.

**Mr. Hogan:** The Minister of State is deliberately misinterpreting us.

**Mr. Killeen:** No.

**Mr. McHugh:** Nobody wanted it.

**Mr. N. O’Keeffe:** The Progressive Democrats Party wanted it.

**Mr. Killeen:** A number of speakers have said that this legislation arose on foot of representations by big business——

**Mr. Naughten:** The Minister of State should listen to Deputy Ned O’Keeffe. He is right.

**Mr. Killeen:** I am not aware of any such representation.

**Mr. Hogan:** Deputy Ned O’Keeffe is trying to talk to the Minister of State.

**Mr. Killeen:** I am aware of representation by big business against the legislation, but not in favour of it.

**Mr. Howlin:** From whom?

**Mr. Killeen:** From one of the six largest companies in the country, for one.

**Mr. Howlin:** Who is that?

**Mr. Killeen:** Predatory pricing is an issue that we all take seriously and which was discussed at length on Committee and Report Stages. It must be accepted that predatory pricing in this instance is only likely to be such when the dominant player is engaged in it and that is more than adequately dealt with in this legislation and the Competition Act.

Deputy Naughten made the interesting and important point that, heretofore, suppliers, and he was concerned about farm suppliers, had their product marked up by 214%. At the same time, he argued that we should maintain the situation that allowed that to happen. We need to address that very strongly.

**Mr. Naughten:** I did not say that. My initial point was that the groceries order needs to be reformed. The Minister of State should listen.

**Mr. Killeen:** He said that as well and that is what we are doing.

**Mr. Naughten:** No, the Government is abolishing it, which is a very different thing.

**Mr. Killeen:** Deputy Michael D. Higgins made a number of points about the Consumer Strategy Group, the Oireachtas Committee on Enterprise and Small Business and the Competition Authority. He also spoke about Article 85.1 and the European Commission position with regard to the actors’ union, Equity, and others. The Deputy may be misunderstanding the point that was made with regard to rich actors and poor barristers and he has a concern——

**Mr. M. Higgins:** I read it from the record. It is on the record.

**Mr. Killeen:** The Deputy is correct in saying it is on the record.

**Mr. M. Higgins:** It was said on the Committee Stage debate.

**Mr. Morgan:** We did not put it on the record.

**Mr. Killeen:** The point that was being made is that while this matter is of concern to many of us, and I have previously indicated that it is of concern to me, it has not been possible heretofore to find a means of addressing it which would not result in those who need to have their situation examined and dealt with being the sole beneficiaries. Others who have no such need would also benefit. If a formula can be found to address that, I am sure the Government will examine it carefully and charitably. I certainly would be prepared to consider it, but it is not a matter for me to consider.

**Mr. M. Higgins:** The Minister of State should implement the trade union legislation.

**Mr. Killeen:** The Minister for Enterprise, Trade and Employment, Deputy Martin, asked me to convey his appreciation for the valuable work done by the Oireachtas Committee on Enterprise and Small Business on this issue and also by the participants.

**Mr. Howlin:** The Minister adds insult to injury.

**Mr. M. Higgins:** The work was so valuable that he chose to ignore it.

**Mr. Killeen:** He also asked me to point out something which I have great pleasure in doing, namely, that the groceries order was the principal



[Mr. Killeen.]

factor in driving price competition out of the grocery market for the period since 1987. It did this by creating mechanisms of discounts and rebates which allowed suppliers to fix minimum prices below which most grocery products could not be sold. Everybody knows that is the case.

**Mr. Hogan:** That is not the case, not in the real world.

**Mr. Killeen:** Everybody also knows it is the case that 2,500 businesses went to the wall on foot of it. It did not protect small, independent retailers in the manner that is claimed and it did not protect—

**Mr. Howlin:** Not on foot of it.

**Mr. Killeen:** It did not protect suppliers because they were faced with secretive, arbitrary and discriminatory demands from retailers—

**Mr. Morgan:** How does the Minister of State know that?

**Mr. Killeen:** —which are being defended by Members on the Opposition benches. Reference was made to the planning laws which clearly are not a matter for the Department of Enterprise, Trade and Employment.

**Mr. M. Higgins:** Yes, they are.

**Mr. Killeen:** There were very strong cases made in that regard that may need to be revisited elsewhere.

**Mr. Hogan:** Can the Minister of State be brief?

**Mr. Killeen:** At this stage I have taken up less time than anybody else.

**Mr. Hogan:** We have heard it all before. It is the same old, tired record.

**Mr. Naughten:** It is nothing but repetition.

**Mr. Killeen:** I can understand why Deputies would not wish to hear what I have to say. We have heard repetition from all sides and I am simply responding to that. The groceries order had a disastrous impact and this legislation seeks to address the issues which were causing concern in that regard. The Competition Act of 2002 has had many benefits. Some concerns have been expressed regarding that legislation which cannot be addressed in this context but can be addressed in another. The Minister has indicated that he intends to have a well resourced Competition Authority looking after the provisions of this legislation and the 2002 Competition Act.

**Mr. Naughten:** That will happen once in a blue moon.

**Mr. Killeen:** I thank the Members of the Opposition for their contributions as well as the Members in the other House. I also thank the staff of the Department, the Parliamentary Counsel and the Office of the Attorney General.

Question put.

The Dáil divided: Tá, 52; Níl, 47.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Cooper-Flynn, Beverley.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
de Valera, Síle.  
Dempsey, Noel.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Glennon, Jim.  
Grealish, Noel.  
Haughey, Seán.  
Jacob, Joe.

Keaveney, Cecilia.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistram, Thomas.  
Moloney, John.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Donnell, Liz.  
O'Keefe, Batt.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Smith, Brendan.  
Wallace, Mary.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G.V.

Níl

Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Costello, Joe.  
 Coveney, Simon.  
 Cowley, Jerry.  
 Crowe, Seán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 English, Damien.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Gregory, Tony.  
 Hayes, Tom.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.

McManus, Liz.  
 Mitchell, Gay.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Ring, Michael.  
 Ryan, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Curran; Níl, Deputies Neville and Stagg.

Question declared carried.

**An Ceann Comhairle:** A message shall be sent to the Seanad acquainting it accordingly.

### **Building Control Bill 2005: Second Stage (Resumed).**

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

**Acting Chairman (Séamus Kirk):** Deputy Naughten was in possession. He has eight minutes remaining.

**Mr. Naughten:** Previously I was making the point that an Garda Síochána should have a role in decisions on major housing developments to ensure that development does not take place in a manner that facilitates anti-social behaviour. Planners in my local authority have jeered and sneered at me for bringing to their attention a number of developments in which anti-social behaviour is facilitated by the design of green spaces that are not overlooked by the windows of any houses. Research on anti-social behaviour in different developments shows, and all the top architects in the world will confirm, the importance of ensuring that public open spaces are overlooked by the windows of surrounding properties as that provides necessary security. Sadly, that has not happened in some parts of the country.

On a different topic, another problem is the tendency in some parts of the west to allow a montage of brightly coloured houses in housing estates. That is completely contrary to the building standards that were in place heretofore. For example, a number of housing estates in County Roscommon have houses that are bright red, yellow or blue. If the housing in any village in

County Roscommon was painted in that manner, the village would be deducted points in the tidy towns competition. In places such as County Roscommon and many of the midlands counties, the housing is of a very plain style without the bright colours that are seen in parts of Munster. It is a pity that local authorities are allowing such developments to establish themselves in counties such as Roscommon.

Another issue I want to highlight is development contributions. I am aware of one development in the south Roscommon area for which the developer handed over €2 million to the local authority, which has not spent one cent of that money in that local electoral area. I appreciate that local authorities need to pool development contributions and spend the money throughout the county rather than just in the area where the development is taking place, but it is critical that part of the contribution is ring-fenced for the local area to provide it with amenities and services that are not currently available.

Similarly, we need a methodology for the calculation of development contributions throughout the country. For example, as spokesperson for agriculture, I am aware that some local authorities demand development contributions for the construction of farmyard buildings for which farmers will be able to claim waste management grants. In some areas those grants will be eaten up by local authority development contributions whereas in other areas such developments are exempt from contributions. We need some standardisation across the board because the current situation is confusing for business and developers. The process needs to be more streamlined.

Part 2 of the Bill will strengthen the enforcement powers of building control authorities. Building control is in a mess and is a complete

[Mr. Naughten.]

joke. If the developer of a facility does a runner, funds are not available for the local authority to take charge of the facility. The Government needs to examine the issue of enforcement because the existing legislation is wholly inadequate to deal with such situations.

One issue that infuriates me, although it is a small matter, is the names given to some housing estates. I cannot understand how names such as "Tudor Lawns" get through the planning process. Many such names are English ones superimposed on Irish developments and this should not be tolerated. Developments should utilise local names rather than names which are alien not only to the areas in question but also to the country as a whole.

Developers have a responsibility to provide local authorities with the proper Irish translation of the names of their developments. Although we have Irish language officers, disputes can arise in some cases regarding Irish translations of particular estates. The Irish translations of the names of housing estates should therefore be clarified at an early stage by developers when they are submitting their proposals to the local authorities. They should submit sensible names for their housing estates and include the Irish translations so people will know them. Disputes over translations can be messy in some cases and they would not arise if a sensible approach were taken in the first instance.

Discussing this Bill is useless unless we have proper resources to enforce it. The area planner of my local authority took up office on 1 January 2006 and, although I have left numerous messages for that person every week, we have still not spoken. It is unacceptable in this day and age that certain public officials are not prepared to respond to elected councillors or Members of the Oireachtas in respect of planning queries and provide clarity. As bad as the Department of Health and Children is, which subject we debated previously, the local authority structure, especially the structure of planning offices, is appalling by comparison. This is not just the case in my local authority because colleagues from other local authority areas have told me they experience the exact same difficulties. Some officials almost believe it is an honour for one to be rung by them to respond to a query.

Part of the problem is the lack of planners in local authorities to deal with planning cases on a day to day. The position on enforcement is appalling, and wholly inadequate resources are being made available in this regard. Staff are being stolen from enforcement offices to engage in day-to-day planning because there are statutory obligations in respect of planning.

Last Monday a constituent of mine rang me about a sand hill that was being removed by a developer. I contacted the planning enforcement section and discovered there was no planning permission to remove it but the staff said they could

do nothing unless my complaint was put in writing. By the time my letter would reach the local authority, the hill would be removed. What is happening is stupid and unless adequate resources are in place, talking about this legislation will only make a farce of the matter.

**Mr. Haughey:** This Bill is impressive, far-reaching and progressive and it encompasses a very wide range of issues, including fire safety, climate change and industry registration. The Minister should be congratulated on bringing it forward and addressing so many concerns in one fell swoop. The Bill is multifaceted and yet it is cohesive. Each section is deserving of a speech in itself. There is not a single person in this country that the Bill, when enacted, will not affect. Its provisions for the implementation of the directive on energy performance in buildings and its consideration of global greenhouse gas levels serve as a case in point.

As all Members are aware, the stricter controls on fire safety contained in this Bill are being proposed close to the 25th anniversary of the Stardust tragedy. This appalling event is a black mark on the history of this State and, as a public representative for Artane and surrounding areas, I have experienced at first hand the heartbreak and suffering it has caused. I welcome the recent discussions provoked by the landmark anniversary of the disaster and hope they will eventually lead to some kind of closure on the event.

**Mr. Broughan:** We need a new inquiry.

**Mr. Haughey:** That does not arise in the context of this Bill but I have called for a commission of inquiry. I will pursue this.

**Mr. Broughan:** Fair play to the Deputy.

**Mr. Haughey:** It seems the details of that horrific night have been gleaned annually since 1981 and, every year at about this time, recommendations of the tribunal which have yet to be implemented are highlighted and new fire safety measures are called for. On the 20th anniversary of the tragedy, the fact that the prosecution of a pub or club owner for breach of fire regulations entailed taking a case to the Circuit Court rather than the lower District Court was underlined by certain people in the fire services. The Bill addresses that concern and simplifies the prosecution process. Prosecution in the District Court is opened up as an option to local building control authorities.

There is no doubt that we have come a long way since 1981. The annual running cost of the fire service is now in the order of €250 million and Dublin alone makes up for €90 million of this sum. Since 1981, the State has provided the fire service with almost €240 million in capital funding, including €19 million this year alone. A major refurbishment of the Dublin fire brigade training

centre at Marino, the O'Brien Institute, to the tune of €20 million, is at an advanced stage of planning and I hope the Minister will give this project swift approval so the work can begin.

Existing legislation in this area includes the Fire Services Act 1981, the Building Control Act 1990, the precursor to this Bill, and the Licensing of Indoor Events Act 2003. All these had their merits. The 1981 Act was passed in the immediate aftermath of the Stardust tragedy and it imposed statutory responsibility upon persons in control of buildings to take precautions to prevent the outbreak of fire, and to ensure the safety of persons on the premises in the event of a fire. It also provided for inspections to be undertaken by fire authorities and, as a result, more than 13,000 inspections of almost 10,000 premises were carried out in 2004.

The Building Control Bill 2005 enforces existing legislation regarding the fire safety certificate process. If this Bill is enacted, the use of non-domestic buildings and apartment blocks will be entirely disallowed without the relevant certification. Given the prospective financial implications, I am sure this will, as intended, deter developers from shirking their responsibilities in this regard. However, we must keep reminding ourselves of the lessons learned from the Stardust tragedy. Laws that are passed must, first and foremost, be enforced and people must be aware of the requirements of the law.

Last August, 15 people were evacuated from a burning building on Ormond Quay in Dublin. There was no fire escape in the block of nine apartments and the fire blocked the  
*1 o'clock* only exit. Thanks to the work of the emergency services, there were no fatalities. However, the case should not have arisen in the first place. In the wake of the event, a spokeswoman for Dublin City Council told *The Irish Times* that building regulations required all new or newly renovated buildings to have fire certificates but she was unable to state the position on fire safety certificates for older buildings. I am pleased this Bill does not discriminate between old and new apartment blocks. Enforcement is gravely important when issues of safety are in question but implementation must precede enforcement. I am aware that aspects of the Licensing of Indoor Events Act 2003, about which I spoke in this Chamber more than three years ago, have yet to be put into operation. Discussions with the entertainment industry and fire authority experts on the licensing of indoor events by local authorities are ongoing. This is not satisfactory and I hope it will be resolved soon.

We know from the Stardust tribunal that the designing of buildings by unqualified people poses a real danger to the public. Like other people, when I come across newly published Bills I am sometimes surprised by the issues which arise from them. That people can arrive on these shores and refer to themselves as architects,

regardless of their qualifications, is totally unacceptable and unsafe. People have been demanding since the foundation of the State that this glaring negligence be remedied. In my research, I discovered that a staggering 80% of the complaints made to the Royal Institute of Architects of Ireland in 2004 related to work being done by people who were unqualified. Stories of rogue builders are not just urban myths. This Bill provides for the registration of the titles of "architect", "building surveyor" and "quantity surveyor", which will help to boost consumer confidence in the industry. It is significant that the Bill has the full endorsement of the Royal Institute of Architects of Ireland, the Association of Building Engineers and the Building Regulations Advisory Body.

The architecture industry is spending a great deal of time in the public eye because the Government is continuing to provide record levels of housing and debates on urbanisation are broadening and becoming more intense. My experience as a representative of the Dublin North-Central constituency and as the Chairman of the Joint Committee on Environment and Local Government has taught me that planning is a major issue. People are increasingly seeking to build apartment blocks rather than houses. Apartments constituted 68% of all housing units built in the city of Dublin in 2004. I am greatly concerned about some of the issues which arise from that. The provision that management companies be established is a fairly new phenomenon in the granting of planning permission to apartment complexes. Developers are required to establish management companies and subsequently to transfer the responsibilities of such bodies to residents who become responsible for the upkeep and maintenance of services within the boundaries of complexes. If they choose to retain such responsibilities, it can be quite daunting for people without previous experience in this area to deal with problems relating to water, drainage and lighting etc. Such responsibilities can cause real headaches for people who already have full-time jobs.

I was pleased to note recently that Dublin City Council has established a residential section with responsibility for issues that can arise in the private rented sector, with particular regard to apartment complexes. The new section will support management companies by giving them advice on how best to fulfil their responsibilities and give some kind of structure to the system. It is comforting for one to learn that the services of professional management companies can be availed of, until one also learns that the city council has no responsibility or authority to ensure that management companies provide services to adequate standards. There are no standards for the provision of services to housing and apartment complexes, even though such complexes have become a large part of the answer to our housing problem. The Minister for Justice,

[Mr. Haughey.]

Equality and Law Reform recently published a report in which a review group recommended that auctioneering, estate agency, property letting and property management agencies be licensed and regulated. I remind Deputies that in 2004, 80% of all complaints made to the Royal Institute of Architects of Ireland related to work done by people who were unqualified. The House is addressing that problem today. I hope similar provisions will be made soon in respect of bodies operating in the private residential sector. I look forward to debating such legislation in the near future.

As the Chairman of the Joint Committee on Environment and Local Government, I am familiar with the EU energy performance in buildings directive, which has been the subject of healthy debate at many of the committee's meetings. I am delighted that the directive is being transposed into Irish law in the Bill. The enactment of Part L of the building regulations, which relates to the thermal performance and insulation standards of buildings, will reduce the energy required to heat a domestic dwelling by between 23% and 33%, depending on the size and type of dwelling. This significant reduction in energy requirements will have a knock-on effect on the cost of heating, which will decrease by approximately €188 per annum, and will add to the cumulative effect of the amendments to Part L regulations, which will reduce carbon dioxide emissions by approximately 400,000 tonnes a year by 2012.

Under this legislation, the energy performance of buildings will be measured by a building energy rating system and assessed by building professionals who are registered in accordance with the Bill. It is appropriate and necessary that the new rating system will be introduced on a phased basis over the next three years. Although technical guidance documents are available to those involved in the building industry, the new system has the potential to cause confusion among home owners and buyers. I hope a sustained awareness campaign will be initiated over the coming years to reassure people and inform them of their duties and the requirements under EU law. The implementation of the action plan that has been put in place on foot of our adoption of the EU energy performance in buildings directive will have a massive impact on the health of our environment.

The measures in this Bill have huge significance for Ireland's commitments under the Kyoto Protocol. Our current building output is set to continue. The demand for housing is starting to be met by supply. Figures released by the Environmental Protection Agency two weeks ago show that greenhouse gas emissions rose slightly in 2004. The increase of 7% in emissions in the residential sector can be accounted for in part by the housing boom and the increase in this country's population. The residential sector produces just over 10% of Ireland's greenhouse gas emis-

sions, which makes it the fourth highest contributor. The third highest contributor is the transport sector, which produces 17.5% of our greenhouse gas emissions. The emissions of the transport sector, which is a victim of current social trends, increased by 6% from 2003 to 2004.

I urge the Government to work harder to increase the practicality of the use of biofuels, which entered our market recently. There are strong indications that biofuels could become commercially viable within two years. A number of pilot projects in this regard are under way in Dublin. I would like more major companies to prepare feasibility studies on the prospective use of such environmentally friendly fuels. The emissions levels in the transport sector, which have increased significantly on a sustained basis, are well over double what they were in 1990. Given that innovation and adjustment are important in this regard, I am pleased that section 5 of the Bill, which relates to alternative energy systems for large buildings, requires that any person proposing the construction of a building with a floor area exceeding 1,000 sq. m. must ensure that research into the use of alternative energy systems for the building is prepared and consolidated into a feasibility study with the intention of putting it into practice. This is an innovative and positive approach to environmental matters and to planning law. It is particularly notable in the context of the recent relaxation of the retail planning guidelines which opened the possibility of large-scale retail outlets being designed and built.

I have merely skimmed the full implications of the Bill, but this is clearly impressive and commendable legislation. It is multifaceted and innovative, yet it is workable. It has raised other issues that need to be addressed and I look forward to seeing them examined shortly in these Houses in legislative format. Time constraints mean that I have not been able to deal with many other positives contained in the Bill, including its provisions safeguarding disabled access for new buildings, but they are equally important in making this Bill's passage into law an exciting prospect. I hope that Committee Stage of this Bill can be taken without delay. Architects are anxious to see the provisions of this Bill enacted straight away. As Chairman of the committee, I will make myself available to process Committee Stage without delay and I hope the Minister can facilitate that. I commend this Bill to the House.

**Mr. Broughan:** I welcome the belated appearance of the Building Control Bill 2005. If I am not mistaken, it was listed on the 1997 programme for Government among all the other papers presented by the Deputies who were in Opposition at the time. In the last year of this Dáil, the Government has finally got around to it. I commend my colleague, Deputy Quinn, who raised the issue of this Bill with the Taoiseach at least ten times on the Order of Business.

The Bill is based on the report, entitled *Building Control: Strengthening the System*, which was prepared in May 2004 by a working party of the Association of Consulting Engineers of Ireland, the Institute of Engineers of Ireland, the Royal Institute of the Architects of Ireland and the Society of Chartered Surveyors. This working group came into being owing to the clear implication that implementation of building controls had been grossly deficient since they were introduced in 1976. The group sought to bring rules, law and order to this part of the construction industry, especially in respect of the qualifications of professional people and the new energy directive on household buildings. I commend the Minister on bringing forward the Bill at long last.

However, this is just too late for my constituency and for most of the Dublin region. The horse has bolted and we are stuck with what we have which is the direct result of the disgraceful behaviour that occurred on county councils throughout the 1980s and 1990s. This behaviour created the "get rich quick" developers who preyed on councillors and delivered high-rise, high-density, unplanned development on the fringes of Dublin city and county. These developments will be a disaster in the future.

There is much concern in my constituency of Dublin North-East about the development of the so-called north fringe. This is a monumental development of more than 20,000 housing units which will produce an additional population of around 60,000 in my constituency alone. If we include the constituency of Dublin West and the south fringe of Dublin North, especially the massive expansion of Swords, the capacity for getting it wrong is very grave.

We hear calls from all quarters for accountability, yet our leading newspapers, such as *The Irish Times* and the *Irish Independent*, receive a large part of their finances from auctioneering companies and developers through their massive property supplements. Last week's property supplement of *The Irish Times* was larger than the main newspaper itself. There is also a commercial supplement on another day. Our other leading national newspaper has similar property sections. Can there be any relationship between the fact that the print media is so well funded by the current development process and the fact that we have not heard calls for the reform of the auctioneering profession, the process of planning and development, the outrageous powers of councillors to rezone land and the planning powers of county and city managers?

The north fringe forum is a body which I proposed four or five years ago. It tries desperately to invigilate the massive development of our constituency. If I were a Dutch MP and we were planning the north side of Amsterdam, there would be real democratic engagement. The existing residents would have some input, along with their councillors and their MPs and we might be able to come up with a framework of develop-

ment for the expansion of the city that is acceptable to everybody. That did not happen in Dublin where an elite minority of developers behaved in a criminal fashion over the past two decades to ensure that we will be left with a high-density ring to our city with very little social infrastructure. At many meetings of the north fringe forum we find that we do not have schools, primary health care centres or hospitals nor do we have public transport facilities such as park and ride. We do not have the facilities that should be in a modern development.

We can see the end result in today's property supplement of *The Irish Times*, where one headline reads "Keen prices in last phase of new city quarter". A price of €250,000 is quoted for a one bedroom apartment that measures 63 sq. m., with prices going up to €410,000. Another puff piece is headlined, "Value for first timers at the Northern Cross", which lists a 45 sq. m. apartment at €265,000, rising to €365,000. These are new apartments located in an area which has no social infrastructure. They would certainly fail the current building regulation proposals that are before us today. I am nearly certain that there are no lifts in these apartments nor access for people with disability, yet they are on the market. I also believe that the energy requirements of the new EU directive are not being fulfilled.

The key problem to this is that there is no social infrastructure in tandem with the new developments. I know that in the west side of the city there is a strategic development zone at Adamstown which is a much smaller development than that in my constituency. We should at least have such a zone in Belcamp which is located in the north fringe area. That does not currently exist and we are developing a high-rise, high-density city which is reminiscent of north Paris. We should remember the events that occurred there last year owing to the social alienation that existed. The Government is presiding over this development in the golden age of developers. That is the tragic reality. Even with the existing controls, the big problem is that part L of the building regulations are not being enforced or policed, for example, with regard to energy efficiency.

The horse has bolted in the case of much of the development in my constituency, the various sections of which have been in the proposal stage since about 1999 and where, over its four major phases in Baldoyle, Donaghmede, what is now being called Belmayne and Belcamp, there is already outline or proposed permission for between 16,000 to 20,000 units. These regulations will not be any good to that area and they will not solve the difficult problems with which I and my successor public representatives for the Dublin North-East constituency will be faced. Some fundamental issues relating to public infrastructure have not been addressed. This is not just additional infrastructure but issues such as the area's hydrology. There has been no hydrology

[Mr. Broughan.]

report, for example, on the two areas closest to the sea. The Government went out of its way to ensure no flood plain studies would be carried out in the Dublin or any other coastal region. All it wished to do was continue to add the apartments.

As one watches the apartment boxes being lifted into place from high cranes, box after box like Lego, one wonders about the standard and quality of those apartments and what the future holds for the new residents who will pay expensive prices for them. In many cases, the developers themselves will pay for these apartments. There is a growing tendency on the part of developers to buy or hold half the street and this is something over which the Minister has no control. Young people who put their names down last September for houses in the Stapolin area of Baldoyle, which were priced at €350,000, discovered a few months later when they contacted Sherry Fitzgerald auctioneers and the developer, Menollys, that all the houses at that price were being held by the builders as investors. The next cheapest house available was €410,000.

I disagree with my colleague's statement that supply and demand are equalising. The reality is that, as Deputy Gilmore said, tens of thousands of young people have given up hope of being able to afford their own house or apartment. They just cannot manage due to the constant, vicious manipulation of the system, over which this Government presides, which went from rezoning and stroking to lashing through plans and approving high density development without the social infrastructure. Ultimately, there is a golden or iron alliance of auctioneers and developers. Why is there is no control of auctioneers Bill? Where are those regulations? We will not see that under the Fianna Fáil-Progressive Democrats Government because they are too closely involved with that area of society.

**Mr. B. O'Keefe:** I have a feeling the Deputy has an involvement somewhere along the line too.

**Mr. Broughan:** I do not.

**Mr. B. O'Keefe:** I have a feeling that I read or heard something——

**Mr. Broughan:** Not me.

**Mr. F. McGrath:** What about Frank Dunlop?

**Mr. B. O'Keefe:** What about the Deputy's party?

**Mr. Broughan:** It was not me. If one looks at the history, in most city and county councils there was an iron alliance between Fianna Fáil and Fine Gael. There has been talk about the coalition Governments this country might have, but the real coalition is in local development where Fianna Fáil and Fine Gael have worked hand in

hand together. It was an iron alliance. The end result is that young people are paying through the nose for homes and many of them have given up hope of getting homes.

Then there are the people who, for one reason or another, are unable to work or do not have an income or are on benefit. There are 6,000 of them on the Dublin city housing list alone. Each week we desperately try to get them some affordable units. However, with every planning permission no decision is ever taken about affordable units until long after the planning permission is given and the houses and flats are nearly ready to be occupied. That is another issue the Minister could address.

**Mr. B. O'Keefe:** The Minister of State, Deputy Noel Ahern, has already demonstrated that the number of affordable houses being built this year is unprecedented. He has also shown that provision is moving forward under Part V.

**Mr. Broughan:** The Government has had nine years. I am weary of this, as are other Members. The Minister, Deputy O'Donoghue, said that by the time Opposition gets a crack at running the country, it will be too tired. That is a truism because it has been nine long years——

**Ms F. O'Malley:** Too tired to run the country?

**Mr. Broughan:** The Deputy's party is trying to snuggle over to this side of the House.

**Ms F. O'Malley:** You are resisting heavily.

**Mr. B. O'Keefe:** What I am afraid of after the election is the way you might look at us.

*(Interruptions).*

**Mr. Broughan:** I have listened to my colleague, Deputy Gilmore, year after year giving the figures for affordable houses. There were practically none until last year. There are approximately 3,500 this year. In fact, up to the start of last year a total of 250,000 houses were built but only 1% of them were affordable houses. That is an appalling statistic.

There is a need for huge reform of how we plan and develop our future households and commercial development. With regard to the north fringe, the North Fringe Forum — I pay tribute to Mr. Clive Brownlee, formerly of Guinness, who is the chairperson, and the local area manager, Declan Wallace — has tried to keep tabs on this bolted horse, as it were, and is desperately, along with the other stakeholders and agencies such as the HSE, the Department of Education and Science, Beaumont Hospital and Dublin Bus, trying to get services for the area where development is proceeding at a fast rate. There must be a better way to do this. It is one of the great scandals of my time in politics that we have not been able to plan new housing in a coherent and supportive way by

including all the additional necessary services. If I and the Minister ever meet on the central boulevard of that development in five or ten years time, I hope we will not regret not taking proper responsibility for the area at the appropriate time.

I welcome the comments Deputy Haughey made about the first safety regulations. Today's newspaper shows that, at long last, the services appear to be responding more vigorously. The newspaper reports that a proprietor was prosecuted for locking doors of the premises during a function. Given the incredible carnage at the Stardust 25 years ago, it is appropriate that this should occur. I hope the full inquiry everybody is seeking will take place.

I welcome the Part 2 initiatives in the Bill, particularly the fire safety certificates, the regularisation certificates, the disability access certificate for part M and the move towards summary prosecution in the District Court. These are basic requirements to ensure that new buildings will meet a fundamental standard. As I stated, our concern is that recent buildings do not meet this standard. Section 6 contains a provision for appeal to An Bord Pleanála with regard to disability access certificates and fire safety certificates. Why is this the case? Why do we need this type of appeal? Given the importance of access and protection from fire disasters, why should the local control authority not be in a position to simply implement its enforcement, and leave it at that?

I welcome the legal transposition of Directive 2002/91/EC of 16 December and the implications this has with regard to energy performance ratings for new housing stock and will have for such ratings for older housing stock from 1 January 2009. Until recently, many households had appalling energy efficiency standards. Very often, the lower the household income, the less well it was insulated and heated. I welcome the fact that Energy Action Ireland, through Government funding, is providing insulation for free to senior citizens. I commend the Minister for this initiative and hope it will be extended.

My party, of which I am energy spokesperson, believes that householders and individuals have a grave responsibility for their own energy footprint and carbon dioxide emissions. The implementation of the directive through this legislation will be an important step in encouraging people to take responsibility for their own and their households' carbon footprint. I welcome the measure and hope it will be vigorously implemented.

I welcome the Bill and commend the Minister. I hope it will be the first of a series of Bills which will in the coming years try to avoid the mistakes that have happened and are happening in vast areas of our cities and towns.

**Ms F. O'Malley:** I reassure Deputy Broughan that the person who has been most vocal in seeking regulation of the estate agency profession,

with the possible exception of Senator Ross, is the Minister, Deputy McDowell. I look forward to reminding Deputy Broughan of his words before the end of this Dáil. I have no doubt the Minister is keen to have this issue addressed.

**Mr. Broughan:** Deputy McDowell is in Government.

**Ms F. O'Malley:** I welcome the Bill, which provides for measures regarding disability access and fire safety, although it is tardy when one considers we are implementing legislation 25 years after the Stardust disaster, which is not a matter of which we can be proud. The Bill also deals with the regulation of professions. However, a most important element of the Bill is that it transposes into Irish law the EU directive on the energy performance of buildings. It is largely to this aspect that I will address my comments.

The energy rating directive is concerned with pollution. The issues of energy, security of supply, our obligations under the Kyoto Protocol and carbon dioxide emissions have moved centre stage as important international geopolitical issues. We find ourselves at the end of a line in terms of supply. Security of supply is a key element, the other being the consumption of energy. The Bill and the directive address the issue of conservation.

As was stated, the heating and cooling of buildings accounts for roughly 45% of energy consumption and results in the corresponding generation of carbon dioxide. Given that the performance of buildings accounts for such a high proportion of consumption, it is important that we institute policies which will seek to get the best performance possible from buildings. Apart from the energy supply needed to heat and cool buildings, we must factor in the additional costs of the carbon dioxide produced as a result. It is an issue we must take seriously.

It is important that we are finally transposing the directive into Irish law. Some have claimed it will result in higher house prices, which is not the case. It is in the long-term interests of householders to have their buildings perform efficiently. We need to encourage and inform householders in this regard.

I appeared on a television programme earlier this week to speak on this matter. It was brought to my attention that the directive will come into law but nobody will know about it, which highlights a problem with the Dáil. It is seen by Members as a glass house and we think that because we are discussing an issue, everybody else is also discussing it. They are not.

We must follow up this issue when the directive is transposed into Irish law. Funding should be made available for an intensive advertising and information campaign to explain it to the public. It is in the long-term interests of householders to have their buildings perform to the highest standards. We have an obligation to inform house-



[Ms F. O'Malley.]

holders and provide incentives, although I accept that many incentives are currently available. I am a great believer in the carrot rather than the stick. Whether the aim is to encourage people to insulate their attics more efficiently or otherwise, we must try to reduce the national consumption of energy and we must incentivise people to achieve this.

The briefing material suggests carbon dioxide emissions could be reduced by 22% through efficiencies. This represents a huge bill, with which we will be faced if we do not act. We have signed up to the Kyoto Protocol and we need to be conscious of the consequences of this. We can show we are serious about the protocol by tackling issues which will reduce carbon dioxide levels. The proportion of emissions resulting from housing is greater than that from the transport sector, so we need to get our act together.

Some 70% of housing stock has been built in the past ten years — the Minister may correct me if that figure is wrong. People are now more aware of the energy performance of buildings, largely due to the significant recent increases in the price of gas and oil, and they realise that their homes need better insulation. However, I regret that we are brought to this point kicking and screaming and that we always do the minimum. We should try to introduce provisions which would take from models of best practice, such as Sweden. I accept Sweden has a colder climate but we must look to best practice and try to emulate it.

The owners of the 70% of houses which are under ten years old could have been provided with much more efficient heating systems had we introduced maximal insulation regulations and construction standards. We owe this to householders who are facing huge bills. Most would agree that oil and gas prices are only going one way, namely, up. We need to face this reality. If we do, it might cost a little more to build a house or invest. I heard it would cost an additional €20,000 to €25,000 to build a one-off house to the highest energy efficiency standard. While it is not everybody who can afford that extra money, how long would it take to get that amount back? We need to give people an incentive. A constituent told me of an energy efficiency grant available to a developer building ten units. However, such builders will not necessarily embrace the higher standards as they try to keep costs to a minimum to maximise their profits or to reduce the price to the buyer. We also need to incentivise building one-off houses in the most energy efficient way. We should reconsider the matter and amend the proposal to encourage those building their own homes to do so in the most energy efficient way. It has been indicated that a house built to the highest standards would give the household an annual saving of approximately €1,000. It would not take long for the investment to be returned.

We also need to be very conscious of building management. In addition to heating of buildings, cooling is becoming more common. I heard that an audit was carried out to determine the efficiency of the heating in the Dublin City Council building on Wood Quay. It found that the building is heated and lit for 54% of the time that it is unoccupied, which is quite extraordinary. I heard that, unfortunately, the person responsible did not particularly mind that this was the case. I was horrified to hear that he did not care as long as the lights and heating came on on Monday morning when the employees arrived. Whatever about the lights, heating a building for 54% of the time when it is unoccupied represents an enormous waste of money for the local authority? In addition it produces CO<sub>2</sub> emissions.

We need to clamp down and make people think about how they are adding to CO<sub>2</sub> emissions, as it will cost us a considerable amount. As most Members will know, when the carbon tax issue was first discussed, it was thought that we might need to pay €10 per tonne. However, it is now at approximately €23 to €25 per tonne and probably increasing. People are insufficiently aware of inefficiencies and their costs. I was in Government Buildings during the week. When I came down the main staircase I was overwhelmed by the heat. Sustainable Energy Ireland, SEI, runs a campaign in the depths of winter encouraging us all to turn down our thermostats by 1° in order to reduce our bills by 10%. I would recommend that the heating in the vicinity of the main staircase close to the Taoiseach's office be turned down, as it is extremely hot there. We need to lead by example.

All public buildings should meet the highest energy efficiency requirements and not just minimum standards. At the design stage we need to consider how a building is located to maximise the use of natural light etc. We are certainly getting better. We have a very high standard particularly in civic offices throughout the country. We have wonderful examples of modern architecture. I hope as much attention is being paid to the energy efficiency of these buildings. The town hall in Dún Laoghaire is the jewel in the crown of the town. That is a fine 19th century building. The civic offices in Birr, County Offaly, are beautiful and are a wonderful example of a 21st century building. We should spend money on building civic offices to the highest architectural standards. While I have not been there, the civic building in Swords looks beautiful. I hope energy efficiency is considered when they are built.

When introducing legislation we need to ensure it will be well policed. It is in the long-term interest not just of the country in terms of reducing CO<sub>2</sub> emissions and the cost of importing fossil fuels but also of the public to police these standards. We need to have enough inspectors who need to be familiar with the building standards and the new standards of energy rating to be confident that the directive will work. One

speaker asked whether the legislation was just paying lip service. We must ensure that enforcement is a key element in the Bill. When considering buildings that might not have been built to the highest energy efficiency standard, we need to recognise that the cost of doing something right is much less than the expense of trying to remedy it after it has broken down.

The Bill in transposing the energy performance directive has pollution in mind and we should all welcome it. I look forward to better building standards.

**Dr. Cowley:** I wish to share time with Deputy Finian McGrath.

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

**Dr. Cowley:** I am glad to have the opportunity to speak on this very important Bill. I agree with having lifetime adaptable housing to which we should all aspire. When we are born, we do not know what might happen in the future and how our lives might change. God forbid that we might become disabled, but it can happen. Our housing should be as people friendly as possible. The system should serve the people and not the other way around. Too often that emphasis is lost and the Bill may help in that regard.

Part M was included to make a difference and allow premises to be accessible. However, there are growth limitations and I understand the Minister is reviewing Part M, which is to be welcomed. The difficulty is that while a house may be accessible, getting to that house may not be possible, which defeats the purpose of Part M. It may be that the extent of it is to ensure that toilets are accessible to disabled people. While major improvements are required in Part M, it represents a step towards lifetime adaptable housing which should be our goal.

While we do not know whether we might become disabled, we know we will get older. We hope we will have long lives, which often means increasing disability and thereby not being able to use a house that is not disabled-friendly. We should aim towards equality for everyone rather than catering for a disability. We should aim to ensure that everyone, right across the board, has the same ability to access a house or building. We know well that surveys conducted show disgraceful access to premises, particularly public buildings. There is 4% access to housing developments under construction, a disgraceful figure that must be improved.

One must know who one is dealing with if it is a professional person. If someone is an architect, one should be able to trust him or her to do the job. That is very important, no matter what walk of life one is in. In building especially, many people purport to be architects, and people must know exactly who they are dealing with.

Energy conservation is logical and should be backed to a greater degree by Government grants to ensure access to the best materials, thereby cutting people's energy use and bringing us into line with what we should be doing as good Europeans, if not as people who have an obligation to protect the earth for the next generation and ensure we do not waste finite fossil resources.

There are problems with planning, and in the context of this Bill, I would like to mention one or two. While there are guidelines for planning in local authorities, there is no real easing in terms of people being able to live in rural areas. I come from a rural area and this is dear to my heart. I see the importance of infrastructure and housing, the most important element of infrastructure. If one cannot live in an area, there will be no further development there. There must be provision to build a house in a rural area, with services for it. If there are houses, there are people, and if there are people, there is a need for services. That helps the regeneration of rural areas, but when one has a policy directing people towards the largest centres of population, as currently, it can only lead to continuing depopulation elsewhere. The Minister should re-examine interpretation of the planning guidelines by local authorities. There are some very fine people working as planners for the local authorities and they are under much pressure. Many non-nationals are now working in the area. I sometimes wonder, however, whether they have the expertise and understanding to deal with the rural planning issues that face them daily.

Another point relates to vexatious objectors and it must be examined. I have had personal experience, having unfortunately been involved at a community level with such people. In one situation, I was trying to arrange an extension at St. Brendan's Village in Mulranny, but the whole process was scuppered by people who could write in without giving a name or address and hold up the entire process. They were able to produce a list of objections that would have to be gone through and teased out. There is an onus on the Government to consider that situation, since people should not have the right to frustrate community projects in that way.

That it is happening all over the place. I had to engage the services of a private detective to try to find out what exactly was happening there. I discovered the person supposed to have given the letter of objection to the local authority did not even exist. The block of flats where the person was supposed to be living was one where a great many non-nationals were accommodated, and after extensive inquiries it was found that no such person existed. It was an attempt to frustrate the planning process. Although I got the gardaí to investigate further for me to check that no such person existed, the only thing worrying the local authority was whether it would have somewhere to send the notices regarding what was happening in the planning process.

[Dr. Cowley.]

The Minister must examine this matter, which I have raised before, although I was not at all happy with the response. The Minister must reconsider the situation and perhaps formulate some form of sanction against persons who try to frustrate the planning process in that way. An Bord Pleanála has an important onus to do the right thing and act independently. While I do not doubt the integrity of its staff, I wonder about the lack of representation from the community.

The Irish Rural Development Association was established in response to difficulties with planning in rural areas. I am not in favour of a free-for-all in planning, since there should be some restrictions. However, there must be fair play and an obligation on the Government to ensure the people who live in an area, whom this is all about, should be allowed to remain there if at all possible, just as their families did for generations before them.

I will give an example of a decision by An Bord Pleanála where its own inspectors were overruled. If that happens, the board has an obligation to provide a detailed analysis of its reasoning. In the Ringaskiddy incinerator case, there were written objections from 20,000 people, and despite the decision by Cork County Council not to carry out the necessary rezoning, An Bord Pleanála ruled in favour of the development, even overruling its own inspectors' findings. That was strange indeed, and where it takes place, An Bord Pleanála should spell out why it is doing so.

One must understand that this is about people. Michael Mohan said that the concept of inclusive design was linked to a universal right of access. The excellent book *Building for Everyone* by the National Disability Authority stated that the user was at the centre of the issuing process rather than the building or designer, an approach whereby accessibility, central to the process from the outset, can become invisible, properly integrated into the general building design. It concludes that the aim of inclusive design, sometimes called universal design, should be to make it a seamless part of the design process so everyone can participate equally.

It is about equal access rather than disabled access, so we move away from the negativity that accompanies disability. If we move towards equal access and promote ability rather than disability, we will be on the right road. We must not forget that people are in the centre of this equation and must be served.

**Mr. F. McGrath:** I welcome the opportunity to participate in the debate on the Building Control Bill 2005.

This discussion is both very important and very relevant to the times in which we live. We talk about development, planning apartments, and densities in urban areas in particular. Before I go into the details, we should seriously examine the role of developers, pointing out to them that they

have duties and responsibilities. They also have a strong duty and responsibility to ensure estates are finished properly. I have been extremely critical of certain developers who have not delivered to the customers who bought their homes. I demand that they finish estates and install the proper infrastructure before they exit. There are also developers who have shown good practice, and I do not wish to exclude them.

Just as developers and builders have a responsibility regarding this legislation, so too do Ministers, Members of the Oireachtas and councillors.

It is a little rich, totally unsatisfactory and unacceptable to have lobbyists and people with bundles of cash knocking on politicians' doors in the middle of the night. Similarly, it is unacceptable to have a politician claiming not to have looked into an envelope and consequently being unaware as to whether it contained €2,000 or €3,000. This is not good enough and must be challenged effectively during this debate. Sleaze and corruption in politics must be rooted out and cannot be tolerated. Apart from politicians, allegations have been made with regard to corruption among officials in different sections of various councils throughout the State and this matter should also be properly investigated. Both officials and politicians have been severely damaged.

As I noted, some developers have done great work. While I welcome the fact that developers make money, it should not be at the expense of taxpayers or young home buyers. If they have extra cash, they should donate it to charities or to worthwhile projects. Some already do so. Politicians must face up to their responsibilities and cannot turn a blind eye. Failure to co-operate with the Garda in this respect is unacceptable. It is unacceptable for a politician not to respond to a letter from the Garda in respect of any allegations of corruption in their council area. One should not remain silent or fail to respond because one does not believe the query to be relevant. Members and political party leaders should note there is no point in throwing stones at the Government parties if they themselves are directly or indirectly involved in such matters. I will not accept this and the Independent Members will stand by the taxpayers and the citizens and will stand up for the people in this debate.

**Mr. Gregory:** Hear, hear.

**Mr. F. McGrath:** These activities took place in the past and that reality must be faced. Turning a blind eye to corruption and sleaze should never be an option in public life. People seek honesty, decency and fair play in politics.

On the subject of planning and development, I wish to discuss the tragic situation in my constituency, where recently the Silver Swan public house

on Kilmore Road, Artane was reopened. This was the site of the tragic Stardust disaster in 1981, in which 48 people died, 241 people were seriously injured and hundreds of families were severely damaged. Despite this, a businessman had the brass neck to open a public house on the site on the 25th anniversary of the fire. This is unacceptable to people of the northside of Dublin and it will not be tolerated. I commend the families and protesters. I have been on the picket line myself for many nights in their support.

I wish to take the opportunity to ask the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, to encourage the Cabinet to reopen the investigation into the Stardust fire tragedy. People have the right to truth and justice. They have submitted new forensic evidence on the issue of the Stardust's fire doors which should be examined. These are serious allegations which have never been faced properly. When one discusses planning and development for the future, these are also important elements. If that businessman possessed any courage, he would have provided a proper facility for young people in memory of the 48 victims on the site, rather than a public house. A major protest will be held in Drumcondra next Saturday at 10 a.m. I encourage all Members to attend.

When the issue of public money is being dealt with in the context of planning and development, it is important to recall and seriously question the amount of wasted public money in respect of the building and construction of major infrastructural projects. For example, my constituency contains the Dublin Port tunnel project. Some 240 houses have been severely damaged with cracked walls and kitchens, or subsidence in their gardens or extensions. However, the Government parties, as well as some of the major Opposition parties, are silent on this issue. It is unacceptable for the residents of Marino, Santry and Fairview to be treated in this fashion. I will stand up for them inside and outside the House as they demand their rights and seek support for the damage to their homes. Before the project commenced, they were told that nothing would happen. In reality, there is a major issue in respect of damage to homes, as well as floods and leaks. While people have appeared on television to assert that the residents are being alarmist, the water buckets are down underneath Marino, Fairview and Santry. I challenge people in respect of this issue.

Moreover, the project has run €200 million over budget and some predict this figure will rise to €400 million. I raise these issues because they are important and because the Minister of Justice, Equality and Law Reform has spent €30 million for a farm in north County Dublin which is valued by most sensible people at approximately €4 million. This kind of wastage of taxpayers' money is unacceptable and should be challenged. This money could have been used to end the scandal of patients on trolleys forever. Alterna-

tively, the Government could have built all the new schools it needed, or could have made a major dent in the housing lists, or could have developed child care services. Above all, it could have assisted the elderly.

This is an important point. The Bill provides for the strengthening of the enforcement powers of local building control authorities. On foot of the recommendations made by the buildings regulations advisory body, the Bill introduces revised procedures for issue of fire safety certificates by local building control authorities to confirm compliance with part B — fire safety — of the building regulations of designs of new non-domestic buildings, that is, offices, factories, shops hotels and new apartment blocks.

The Bill also introduces a disability access certificate to confirm that the design of new non-domestic buildings and apartment blocks complies with Part M of the building regulations, that is, access for people with disabilities. I wish to highlight the rights of people with disabilities. Developers and planners have a duty to ensure the rights of tens of thousands of people with disabilities are protected. They have the right of access to buildings and it is not good enough to build apartment blocks or public buildings without respecting people with disabilities. I commend the disability groups, particularly those who for the past ten years have been directly involved in promoting the rights of people with disabilities for services and proper access to buildings. After all the talk, more than 3,000 families remain on residential respite and day care waiting lists. This is the reality for families who must cope with intellectual disabilities and is an important aspect of this debate. The section of the Bill which deals with disability access certificates should highlight the need to strongly support people with disabilities.

An action plan for Richmond Road is under development at present and I welcome Dublin City Council's input to the plan. However, it has a duty, before any further development commences on Richmond Road, to ensure the infrastructure to cater for new developments and residents is put in place. This includes upgrading the drainage, especially flood and foulwater, provisions. Considerable upgrading of the road infrastructure, including Grace Park Road, is required, along with provision for pedestrian, bus and cycle traffic. There should be consultations with Dublin Bus regarding the requirement to provide a bus service for Richmond Road and the large new apartment blocks and housing estates. The number of new traffic lights should be restricted by ensuring all the new developments feed into the main road appropriately. There should also be adequate street furniture and lighting as well as an upgrade of the freshwater supply.

I support the residents of Richmond Road, who should also be protected by the Garda. Recent incidents after a match between Shel-

[Mr. F. McGrath.]

bourne and Glentoran in which residents had their windows smashed also constitute a problem.

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. F. McGrath:** I will highlight these issues in the residents' interests. I welcome the opportunity to discuss this legislation. Developers have responsibilities and citizens have rights and I urge Members to listen to this argument.

**Mr. McGuinness:** Deputy Finian McGrath is not alone in his concern that we should have the highest standards on the part of both politicians and officials in respect of the administration of local authorities and Government. I have been pleased by the volume of legislation which has been introduced since 1997, which will keep all Members on the straight and narrow. It ensures the transparency of the reporting mechanisms operated by individual public representatives and offers accountability to the highest level. Despite the numbers of cases which have been reported recently in the public media concerning officials and politicians, it cannot be forgotten that the great bulk of politicians and officials serving at national or local level perform their duties beyond reproach. This point must be stated as frequently as possible because since my election in 1997, I have heard numerous debates in this House which centred on the corruption of a small number of officials and politicians who took money for one reason or another. Most Members enter public life to do their best. While Deputy McGrath is correct up to a point, the other side of the argument must also be pointed out and taken into consideration.

I welcome the Bill introduced by the Minister, Deputy Roche. For me, the most important part of it is perhaps that which refers to the control of those qualified as architects, building surveyors and quantity surveyors and ensures that all involved in those professions are suitably qualified for the work they are undertaking, that there is a register kept of those qualified to which people can refer and that all those involved in those professions are expected to keep up certain standards in their work with either developers or individual members of the public. Most of the issues of which we speak in the context of this debate start with and can be controlled by that block of people who engage with individuals and developers and who provide the professional advice to make a planning application in the first place.

I have seen far too often where developers purchase a large tract of land for an enormous price and thereafter must ensure that the highest number of units are put on that site in order that they might get a profit from it. Deputy McGrath also referred to this. That is what the profit line is driven by. I understand that the developers must

make money, but the need to make back the type of foolish money invested in sites is causing a problem within the planning section because after the purchase they press for permission for the greatest number of housing units, apartments or commercial units. That practice must stop. Developers must adopt a commonsense approach to the purchase price of land and to the planning permission available subsequently.

In my city of Kilkenny I have seen in-fill sites, for example, being purchased at outrageous prices. For that price the developer then must get four houses instead of two. If it is properly stated within the county development plan and if the architects and the surveyors appointed by the developer properly state prior to purchase what can be achieved on a site, then there will not be the rush to the maximum limit and beyond which is seen currently within the planning process. Part of controlling that, without being mentioned in this Bill, is set down in the context of how we treat the architects, surveyors and quantity surveyors. It is good that we are doing that in the context of legislation.

Alongside and parallel to that there should be a system whereby within the Department every planner is not only informed of this legislation but extends it to the point I mentioned earlier, that prior to a purchase where a pre-planning query is made, the person or company making the inquiry is brought in to hear the various restrictions on the site explained, not only in the context of legislation and the county development plan but also in the context of general sensible development that can take place on that site. All that planning has an impact on what is achieved on the site and the consumer. I am glad that this legislation has a serious focus on the consumer in question and makes a serious effort to protect the rights of future consumers in the context of any development taking place.

I would suggest that a proactive role needs to be taken in this by county managers and the engineers employed in local authorities. That can be achieved by consultation with the Departments to ensure that a common line is followed in every county. One of the other issues is that there is no consistency between counties, that is, greater density is achieved on specific sites in different counties and that leads to confusion. Setting it out in the context of this Bill is therefore a good idea.

The Bill's other focus is on the disability groups. Given that approximately 80,000 units are being built a year, it is very important as the economy develops and improves with greater turnover and people having greater aspirations and expectations that we focus on the area of disability and ensure in the context of good planning that every aspect of the Bill is adhered to. This leads back to the architects and surveyors. Too often over recent years I have seen lip-service paid to the legislation and the planning regulations on access for those with a disability to public buildings or

general housing. The Bill sets down a certification process for those who make planning applications. I want to see that certification process streamlined, efficient and achieving what is set out in the Bill on behalf of the consumer.

As we move along in this process of developing the country and providing all these housing units, commercial operations and civic buildings such as administrative centres in the various growing centres of population, this certification process must ensure that there is not only public access for those with a disability to toilet facilities, etc. but that we really extend the process to make working buildings for everyone. The critical judgment call I would make on any building is whether there access for everyone. There is such access in some of our civic buildings. There are lifts and ramps and people can access every part of the building to do their business. In older buildings, however, there is not such access. In a city such as Kilkenny where there are many old buildings which cannot be tampered with due to their heritage value, there are also those used as civic buildings such as City Hall which a person with a disability cannot enter because it contains stairs from top to bottom and there is no lift.

As this Bill is being introduced by the Department with responsibility for heritage and local government, there is a need to ensure that we lead by example and that a much greater effort is made to ensure that those with a disability can access those older buildings. That means spending a considerable amount of money on slowly but surely going through that list of buildings and ensuring accessibility for all. Perhaps the Minister of State, Deputy Noel Ahern, perhaps apart from this Bill but in the context of the work of the Department, would encourage county managers to get to grips with the problems in such old buildings. For instance, in Kilkenny Borough Council one of the members of the council cannot access the building and sometimes the meeting must be held elsewhere. That is unforgivable, given that the issue of access has been debated over the years. It always comes down to funding and in the context of this Bill, we must lead and show good example. Showing good example will cost money but it will pay off in the end.

Similarly, where the owner of a commercial building, regardless of whether it is leased to a company, shows an intent to make it accessible, there should be grants available. We cannot simply set down legislation and correct it as we go along. We must revise what is in place. It would be no harm if the State were to provide a financial incentive to people who own such buildings to do the job of providing lifts, ramps, wider doorways etc. That needs to be done sooner rather than later. It will pay off in the context of accessibility to services and employment. People with disabilities who could not take up certain jobs previously because of the lack of access to buildings will be able to do so following the enactment of the legislation.

The granting of planning permission has become a major issue in the enforcement of building control. My experience with Kilkenny County Council has been positive because it has an enforcement section. One can have a complaint processed to ensure a building is constructed in accordance with the planning permission. These sections are hugely important in the context of this legislation. The Minister of State said he intends to speak to county managers to ensure their building enforcement sections are alive and well and take a proactive approach in ensuring planning conditions and provisions in this legislation are met so that buildings are in compliance with planning permission.

That will create a need for additional local authority staff if the Minister is serious about implementing the legislation. Will the Minister of State examine the issue of joined up Government and relate it to joined up agencies? Health and Safety Authority staff undertake site inspections while staff the Department of Social and Family Affairs and Revenue also inspect building sites for other reasons. Their efforts should be combined to police the building regulation process. I encourage the Minister of State to examine the possibility of using this multi-skilled cohort of staff to undertake this work, which would eliminate the need to recruit additional employees to enforcement sections that need to investigate building sites. The behaviour of a number of developers and builders towards employees by neglecting or ignoring their rights has been at the centre of public discourse in recent weeks. A multi-agency approach to resolving this problem should be considered.

I refer to fire certification. The fire service needs additional staff to cope with the number of buildings that need to be certified, given the increased development taking place in every county. When fire certificates are approved, sufficient staff should be available to ensure there is no delay in issuing them. Under the legislation, a developer will have to secure a certificate that reflects the provision of access for people with disabilities and a fire certificate to comply with planning permission. This will increase the public scrutiny of planning applications and provide opportunities for appeals and so on. The process should be transparent and open to the public while achieving efficiency in the granting of certificates and complying with planning permission within the specified period. Deadlines need to be specified for both making applications for certificates and the approval of such certificates.

A major onus will be placed on the fire service. Its core task is to deal with fires, accidents and so on in the community. There are major gaps in the fire service infrastructure and investment is needed in staff, vehicles and buildings. Fire stations also have access difficulties. As communities develop and new standards and regulations are enforced, the Department must lead by example and ensure the fire service can

[Mr. McGuinness.]

adequately deal with the safety issues for which it is responsible. The service should have the infrastructure and resources it needs, including funding, to ensure it can do its job. I commend the men and women of the fire service, who work more than the normal number of hours to ensure a fast and efficient service is delivered to the local communities. However, they work against a backdrop of the construction of 80,000 additional housing units, the extension and relocation of many commercial buildings and the expansion of centres of population. Commercial premises are relocating to county towns and so on where they would not have set up in the past and the fire service is trying to catching up with this development. The fire service is offering new services in towns such as Freshford and Castlecomer in my county but there are gaps in other urban centres such as Graigueanamanagh, Thomastown and so on.

We must focus on what is expected from the service. The Bill will be implemented by local government, which we are told is seriously under pressure, and the fire service, which is also under pressure. The Minister of State must acknowledge this and make the appropriate changes, where necessary, and the Government should be prepared to increase investment in the system. I am pleased energy efficiency in new homes is covered in the legislation. Developers and others will be encouraged to look beyond oil fired central heating and consider other heating concepts so that people will not be affected by the price of oil. Developers should be encouraged to take on new concepts when building new homes and commercial premises larger than 10,800 sq. ft. That is a positive development. Our approach should be environmentally friendly. I look forward to the debate on the finer points of the Bill on later Stages.

**Mr. English:** I welcome the opportunity to contribute to the debate. The Opposition usually highlights what is missing. However, I welcome a number of provisions in the legislation, including the proposed increased powers for local authorities to enforce planning requirements on access to buildings. We have failed on this issue. Many years ago legislation was introduced which stated access to buildings should be provided at the front for people with disabilities. However, most buildings did not comply with this and access was provided through a side entrance or through the back. That is the same as saying to somebody with a disability that he or she must enter through the back door because the ramp does not look good at the front of the building. Although it was right to introduce the legislation, it has not been enforced properly and we have let ourselves down in this regard.

This often happens with our legislation. Across the board local authority planning is an area where we have failed to come to grips with the

actions that should follow on from good legislation. I welcome the fact that this Bill probably gives us more powers to enforce the legislation properly in this area. It is a step in the right direction.

I welcome the change in the limits on who can use the terms “architect”, “building surveyor” or “quantity surveyor” and that professionals will now have this status and be named on a national register. This is important. Many people work in this area and charge people large amounts of money to design houses, draw plans, etc. I question the ability of some of these and wonder what education they have and what courses they have completed. I would go further than the Bill. Apart from having to display their qualifications, they should have to show a portfolio of their previous work. There should also be more of a link between professionals and councils at local level.

Councils and professionals need a greater understanding of each other’s business. When new laws on planning and building controls are introduced, some professionals fall behind. For example, in January new regulations required planning applications to include a contour study, but most planning applications continued to arrive without it. We seem to miss out on simple issues such as this. Who ends up paying for these failures? The customer ends up paying when the architect must resubmit everything and advertise the application again in the newspaper. I suggest there should be more interaction between the different professionals doing jobs for customers and the councils.

Sometimes council staff and staff in planning offices are not well informed on the regulations and changes in them. They may only get one copy of the new rules rather than a copy for everybody. I have visited planning offices — not in my county — where only one copy of the planning regulations came for free from the Government and any further copies had to be paid for. We still expect them to enforce the regulations. What is the logic in this? We should do it properly and equip councils and staff to enforce the legislation.

Apart from legislating to provide councils with the powers to enforce regulations, we must consider providing finance. We have slipped up in this area, especially in areas with the pressure of high development, mainly in the greater Dublin region and other cities and large towns. We have not properly resourced planning departments either by providing sufficient staff for good planning or for checking building control procedures. We need staff to check if conditions are complied with and that buildings are constructed as they should be.

Some improvements have been made in staffing. However, it is hard for local authorities to get sufficient funds to be really in control. Without good staff who know their job and have time to do it, we will not have proper building controls and the local authority will not be in authority. In most cases the developers will have the power

and they will laugh at the councils because they do not have authority. We must staff councils properly and equip them with the knowledge and training they need to have proper standing and building controls. While this Bill is wide-ranging, it touches on just a few of these areas.

I have a major concern where conditions of planning are not enforced. We should not accept this situation nor should it be allowed. Every developer should be made carry out the conditions of planning without excuse. We accept they may want to change the conditions for certain reasons, but let them make another application to do so properly and let them inform the residents of the association or estate of the changes they intend to make. The public are the people who lose out when changes are made. They end up suffering because of the lack of control or the lack of powers.

Another concern of mine is the record of builders and developers. Under the Planning and Development Act councils can refuse developers permission based on their record or on whether they have done a bad job previously or been associated with a company that has been involved in a bad development. However, they can only refuse them on these grounds by first going to the High Court. We know how much that costs and that is the problem. Local authorities will not run the risk of going to the High Court.

I welcome, therefore, some of the changes in this Bill relating to building controls for smaller developments and the possibility of going to different courts. Councils will not run the risk of high costs. Planning law is a grey area and if a council takes a developer to the High Court, it is likely the council will lose the case and be down a few hundred thousand euro. That leaves less money for footpaths, lighting and facilities for young people in towns. Councils rarely run that risk. Therefore, developers know their past record will not be taken into consideration and just laugh it off. They continue to do things wrong, knowing they will get away with doing so. There are some good developers but there are also many chancers who do not do a good job. We have not taken control of the situation and stamped out this bad practice.

The main problem with the lack of building control is finishing off estates. A person building a one-off house cannot afford to be cheeky with the council or to take any risks. These people face the full rigour of the law and the council comes down on them if they step sideways or build on an extra room. The big developers, on the other hand, who know the game well and have the staff and can afford to take on the council get away with bloody murder on a regular basis. They leave estates half-finished without footpaths, lighting or a second layer of tarmac. They know they will get away with it and do not care. It is a shame we do not stamp this out and insist the council is in charge and must be respected. That

is what we should do. If we did this, it would save us money and hardship in the long run.

There is no provision in the Bill to provide for building control inspectors who will oversee the quality of work on housing at the various stages of building. In other jurisdictions each level of development is checked and overseen before the council signs off on it to ensure the quality of the houses being built. I have been in many houses built during the boom of the past five or six years that would not be passed. Local authorities do not even pass them when it comes to buying them under shared ownership schemes, thankfully. Why do they allow them be built? It is because councils were not given the staff or finance to check them and control the development. Unfortunately, many people have bought houses that are not up to the quality they should be. We will have major problems as a result in the coming years.

We are familiar as local and national politicians with the problems faced by estates where sewerage and water systems have not been installed correctly. This is because of bad workmanship and a lack of adequate supervision. My local authority has included a charge on each development to try to ensure there is some money to pay for a surveyor or someone to check the work. We should not have to do that and I am not sure it is within our rights. It is our attempt to control what is being built and to end the bad work being done.

In some cases digital images of developments have been submitted that did not relate to the development to imply that everything was all right and sewage pipes were clear, etc. What goes on in the industry is a disgrace. Why does it happen? It happens because people want to take shortcuts and make larger profits, people who have not been properly trained do the work and, most importantly, people know they will get away with it because we do not have proper controls.

We have had some improvements but much damage has been done. The message must go out that we will not accept bad workmanship. On behalf of the people who buy these houses, we must ensure they are built properly.

We have a concern about the phasing of works on developments. People end up living in houses on what is still a building site without lighting or footpaths. We need a change in this regard so that developments are constructed in an orderly fashion. I welcome the introduction of local area plans and strategic development zones, SDZs. These are a good way of carrying out developments because they bring order and organisation. However, there are still too many one-off applications for estates that do not blend in well in their area.

A major problem is finishing off estates, especially electricity connections. The ESB, the developer and the council are involved but no one takes charge of it. We have residents' associations fighting for three years to get their lights



[Mr. English.]

turned on. These are lights that are in place and if a button was pressed, they could be on. However, because of procedures and rules that have not been changed in modern times to speed things up, the residents sit in darkness, night after night. We all know how dangerous it can be to walk around a building site or housing estate without lights. We must find ways of speeding things up and sorting them out. Someone must take control and get things done so the issues are resolved.

The purpose of building control is to make people afraid of the authority and let them know who is the boss. It is designed to ensure builders do things correctly in the first place and have proper discussions on each development. I am speaking specifically about housing estates and the development of new areas.

I favour a formal procedure, although I know it can happen informally in some areas, whereby every planning application for over a set number of houses in towns and villages would be brought before a meeting of the area council. That meeting would be attended by all those involved, including the engineers, planners, the manager of the area, the person involved in community facilities and some of the councillors, who would discuss the impact of the estate on the village or town. They could examine whether new footpaths are needed to allow residents get to town and who will pay for them, whether a new school is needed, and so forth. Builders have to provide crèche facilities for every 70 houses, but perhaps a new community centre would also be needed. It is important to look at the overall picture and the impact of adding a new estate to an area. Ideally, that should be done at zoning stage, but it is not always done then. In some cases, the rezoning has been done already. A discussion should take place on who will pay for everything and if that means requesting more time to deal with the application, so be it. The application should not be pushed through just because the two-month timeframe is up.

I have a major issue with the bonds given by developers to councils. They are always too low and as time passes, their value diminishes. If an application is granted in 2000 but the development is not built until 2005, a bond of €20,000 is not sufficient. At that stage, €20,000 is the profit on one house for a developer, who may think to hell with it and move on. He or she will not spend time finishing the work to get the bond back. If the bond really hurt developers, financially or in some other way, it could make a difference. Developers would then finish the job correctly and complete an estate in order to get it back. I ask the Department to examine the option of ensuring the bond reflects the price of the houses in an estate or that the last five houses cannot be sold until the estate is completely finished. That would mean the bond would be relevant. At least then if a developer did not build the houses for ten years, the value of the bond would have

increased accordingly, rather than being an historical cost which does not bother him or her. Small changes could help greatly in terms of building control and stamping out faults.

Effective building control and follow-up legislation rests on money and proper funding but our local authorities are not being properly funded. Some are lucky enough to have a high rates base, with numerous companies and industries in their areas. To take my county of Meath, its rates base has been €11 million or €12 million for the last number of years. This year, with some changes, it will be lucky to take in approximately €16 million. The council next door, Fingal County Council, gets approximately €100 million in rates, which is a massive difference. This is the money used by councils to provide services to people. In growing counties like Meath, Kildare and Louth, money is not available to match the increases in population and to allow the local authorities to provide services like building, planning and environmental control as well as basic facilities to allow people to get on with their everyday lives.

We have been saying this for a long time, as former local authority members and as Deputies. The proof is now on paper in the form of the report from Farrell Grant Sparks which shows the funding provided to Meath County Council is only 70% of the national average. The population of County Meath has increased by over one third in the last few years. It now has a population of 160,000, heading towards 200,000 rapidly. The local authority is only getting 70% of the national average in funding, despite all the problems that thousands of extra houses bring. There are 20,000 people commuting to Dublin from Meath every day. Massive problems have been created in the county but no money follows suit. It is fine to talk here about legislation which looks good on paper but if we do not back it up with proper resources, it is a waste of time. It is worth noting that while the money Meath gets to run the local authority is 70% of the national average, the tax take from the county is 110% of the national average. It is losing out in one area and giving too much in another. That is a raw deal for a county that is in the greater Dublin region and it is the counties in that region that have suffered most from lack of building and planning control.

We may have missed the boat with this legislation. Much damage has already been done and we will suffer for a long time to come. Some people who have 40 year mortgages will, due to a lack of building control, find themselves in houses that will not stand for 40 years without a lot of money being spent on them to patch them up. That is a shame and it is letting people down, and it is what we have done when it comes to building and planning control.

**Mr. Boyle:** This is a long-awaited Bill. Many of us have received numerous representations particularly with regard to professional qualifications and registration of those qualifications.

The provisions within the Bill in that context are very welcome.

The Bill also gives us an opportunity to talk about the construction industry in general and Government policies on construction. Given the hand-in-glove relationship between the largest party in Government and the construction industry, it might be in better order to call this the "Building Out of Control Bill". Many aspects of construction, over the last decade in particular, have brought about severe social and environmental consequences, with which Government policies have been unable to deal.

It has been boasted that one third of all residences in this country have been built since 1995, a frightening statistic. It is proof positive that much of that building has been done in an unregulated and unplanned way and has produced buildings of dubious quality for which we, as a society, will pay for many generations. Even the provisions within this Bill that address future building and bringing about better standards of construction, particularly in the area of energy efficiency, seem very much an exercise in closing the stable door after the horse has bolted. Given the housing stock that already exists in our society and the wanton way in which construction was allowed to take place, this Bill is several years too late. We must put on the record of the House the failure of Government policies to put in place legislation of this type when it was needed for the type of construction that has been taking place here.

We have curious planning laws that on paper allow maximum public participation in terms of allowing concerns to be placed on record and responded to. However, the reality for many individual citizens and communities is that the planning system is unable to respond, partly because the resources of individual local authorities are far from adequate but mainly because of an attitude fostered by this Government, and by the largest party in Government in particular, that all development, of any type, is always welcome. If there is any need for legislation on building control, it must be to challenge this particular philosophy. The idea that cranes dotted across the skyline are themselves inherently good and what is being constructed will be to the betterment of our society needs to be questioned.

While there are provisions in the Bill that address different types of quality control, much of which has been imposed on the Government through European Union legislation, there is nothing in it that deals with the aesthetics of quality control and the type of ugly, dull, cold, functional buildings that are dotted around the country, with no thought for what we are bequeathing to future generations. It is a major flaw in our planning systems that planning applications cannot be refused on the basis that the buildings being proposed do not fit in with the existing built environment and are just plain ugly in terms of

what is being proposed and what is eventually constructed.

In the context of the construction boom we have had since the 1990s, we are developing within our town and city centres a type of blandness that takes away any sense of the character of these areas that would have been slowly built up over generations by using traditional materials and styles of architecture. In pursuing an agenda of getting the maximum number of buildings up in the quickest possible time while making the largest amount of profit, we are wasting the architectural credit that we have built up through the years. That one can pass through any town without being able to identify particular characteristics that differentiate it from any other Irish centre is a tragedy. If we are serious about building control, that is an area the legislation should address.

There are other issues that are of more immediate concern. Part of this has to do not only with the control of building in terms of quality but also with the quality of builders. The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, a constituency colleague would not have been present at a recent meeting with Cork building unions where there was a discussion on difficulties on building sites and how subcontractors are sourcing workers to work on many of the construction sites in our constituency. This raises concerns about how wages are being undercut, how workers from outside the country are being abused in terms of their rights and entitlements and how the quality of the work on the construction sites may be compromised because of the pursuit of maximising profit and making use of whatever advantages exist for construction companies while the going is good.

Today the European Central Bank increased by 0.25% the bank interest rate for the second time in six months. It is likely that by the end of the year the bank lending rate will have increased by a full percentage point. We are living in a society where indebtedness, mainly caused by huge mortgages, for each citizen is 160% of their average income. We have pursued this policy of untargeted tax reliefs from which individuals and companies have gained huge benefits from creating buildings that are little more than cardboard boxes in which people must live subsequently, and the only people who appear to have benefited has been that small cohort in society.

Government policies are directly responsible for this huge imbalance in what is being built, where it is built, for whom it is being built and who is benefiting from it. There is a need for a wiser Government to look at a longer-term picture of planning and development. Certainly this is not such a Government. This has been a short-term, get rich quick Government in terms of construction. There is a price to be paid for deserts of housing estates, one after the other, without

[Mr. Boyle.]

proper social facilities, transport links and the basic infrastructure of water and sewerage systems. On these grounds the Government must stand indicted.

We have created an environment in terms of our buildings in which people cannot expect anything more than the lowest possible standard. If we are looking for hope in regard to our future building stock, it must come through the various EU directives because it will come directly from this Government. The need to take responsibility for what is being built and how it is built will not come from the Government because of the nature of its relationship with the construction industry. We must enforce standards that are imposed on us from outside, the type that exist in other European countries where the question asked is why what is being built is being built. In the current climate it does not seem important to ask that question because building in itself has the value the Government decides. Until we get away from that type of ghettoising approach, not much will change in that area.

Where the Bill is also deficient and where it could have had more pointers to the future is not only in the area of energy efficiency but also in directing future construction along the right types of building materials or at least a more diversified use of building materials. The excessive use of concrete has led to massive environmental consequences not only in terms of energy efficiency but the pock-marked nature of many landscapes throughout the country from quarrying.

While I realise the Minister of State is going to further fields in future elections, not far from the constituency we represent in east Cork is the Middleton-Carrigtwohill area. Anyone who has seen the aerial photographs taken of the area would think they were looking at either a lunar landscape or some type of advanced golf course for hard-bitten golfers who want to get out of bunkers that are 40 feet deep. Those are the environmental consequences of a building programme that is reliant almost solely on concrete materials.

There are alternatives that are not only cheaper to make and provide more cost effective and more heat efficient housing but also give people an opportunity of getting into the house market at a level they can afford. The burden of debt by which people are being crippled is beyond understanding and will be beyond forgiveness when the bubble eventually bursts. We are not talking about bank interest rate increases of 0.25% but 1% increases at a time, and that is not too far away.

I would not consider myself particularly aged but I have certainly slipped into middle age and have 18 years of marriage behind me. I bought a house in 1987 for the princely sum of £24,500 for which I got a housing finance agency loan of €17,000. I managed to get €3,000 from the local credit union, supposedly for house furnishings

which did not arrive for several years later, and the balance from a relative in England who gave me a £5,000 sterling loan which I paid back at terms. When I think of what my wife and I had to go through 20 years ago, I try to put myself in the position of young couples who are trying to do exactly the same a generation later and I do not know how they do it. I barely did it then. It is obvious they are doing it through the finance packages being offered by financial institutions of 100% loans, grant-parenting mortgages where parents act as guarantors for whatever mortgage loans are available and, increasingly, through getting 30 or 40-year mortgages.

If this is the society we are seeking to build, where houses are little more than cardboard boxes because of the lack of building control, I would like someone to take responsibility and not boast and gloat about activity that in many respects has been damaging and fruitless for those who end up living in these houses. We have not built houses worth living in. We have destroyed communities that should have been fostered and on these grounds the Building Control Bill will do little to solve the problems that have been created.

I would like to finish by welcoming the aspects of the Bill that will further improve standards in building control. We have talked about the professional qualifications and the register of those qualifications. The energy efficiency rating for future building is long overdue and I would like to see it made retrospective. The real challenge for any future Government is to ensure that future housing stock is energy efficient and the existing housing stock is made energy efficient. That is the problem that needs to be tackled in light of our greenhouse gas emissions.

I share the fear expressed by previous speakers that, regardless of the form in which this Bill — which I suspect is relatively uncontentious — is passed by this House, the current problems will continue when the Bill comes to be implemented by local authorities. Due to lack of resources and personnel, local authority planning and building control departments cannot cope with the amount of work that is currently asked of them. Given that the Bill will ask local authorities to do even more work that is of a higher standard, I fear this string will be stretched even further. Although the intention behind the Bill is to improve quality, I suspect quality might slip even further unless the Government is prepared to back up that intention with appropriate resources on a large scale. If the problems I have outlined intensify in the future, none of us will take any great pleasure in the situation.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** The Minister for the Environment, Heritage and Local Government, Deputy Roche, and I have listened with great

3 o'clock

interest to Deputies' valuable Second Stage contributions. We acknowledge the non-partisan approach adopted by Deputies, who have welcomed the Bill and supported its broad objectives while raising legitimate issues and queries about the details of the Bill's seven parts and 68 sections. As most Bills presented to the House can be improved through amendment, we will carefully consider all amendments proposed on Committee Stage.

To recap, the Building Control Bill 2005 has three main objectives: to strengthen the enforcement powers of local building control authorities and to improve the accessibility of buildings for people with disabilities; to transpose certain provisions of the European Union energy performance of buildings directive; and to provide for the registration of the titles "architect", "quantity surveyor" and "building surveyor". I will respond to the Second Reading debate in the order in which these objectives are dealt with in the Bill. Unfortunately, time does not permit me to respond to all matters raised by Deputies so I will focus on those that appear to be the core issues. Perhaps we can return to the other matters on Committee Stage.

On the issue of enforcement, it is safe to say there is universal support in this House for the introduction of a disability access certificate, as recommended by the Commission on the Status of People with Disabilities. The Minister for the Environment, Heritage and Local Government and I agree with many Deputies that the building code enforcement provisions, as strengthened by the Bill, will be of no real value unless they are actively invoked by local building control authorities. As already mentioned, Deputy Roche will write to each city council and county council manager to ask them to take personal responsibility for improving enforcement at local level.

Although the Government aims to regulate and control the number of staff employed in the public service including those in local authorities within agreed ceilings, we will attach a high priority to the implementation of the Bill when it is enacted. We are keeping the overall employment position in local authorities under review. Obviously, there are many competing demands over the wide range of local authority functions due to the expanding economy, but the Minister will take the necessary steps, along with his colleague the Minister for Finance, to ensure that essential staff are employed to give effect to the provisions of the Bill.

We accept that the statistical data available to my Department on building control enforcement is somewhat limited and needs to be improved. However, building control officers have said that we should not measure enforcement activity solely by the numbers of enforcement notices, injunctions and prosecutions. They argue that such legal procedures are ultimately a measure of the failure rather than success of the building control system in individual cases. Non-com-

pliance issues are often successfully resolved by discussions and correspondence between building control officers and builders. My Department has asked local building control authorities that data relating to this more informal enforcement activity be included in the statistical returns for the second half of 2005. My Department will also seek a breakdown of future data to identify which parts of the building regulations are the subject of non-compliance enforcement procedures and proceedings.

We agree with Deputy Twomey that it is vital that measures be taken to prevent the spread of fire in apartment blocks. Such measures are required under part B of the Building Regulations 1997, which deals with fire safety. The design of all new apartment blocks — irrespective of the type of construction involved — must be certified as compliant with part B by the local building control authority. It is the duty of the builder to construct apartments in accordance with the certified design.

Deputy Dennehy expressed concern about the feasibility of fighting fires in tall buildings. It is true that fire ladders and external fire hoses can generally only reach up to seven or eight storeys. Accordingly, fire safety design in tall buildings is generally based on: the early detection of fires, through smoke alarms and heat detection systems; rapid evacuation of all occupants, through emergency stairways compartmentalised against smoke; and fighting fires using water supplies from internal fire hydrants located on each floor.

Deputies also expressed concern about the desirability and practicability of retrospectively regularising fire safety certificates after building works have been started or completed. As local building control authorities have granted retrospective certificates on a pragmatic basis over the years, the Bill will simply provide a clear legal basis for established practice. We agree with Deputies Murphy and O'Dowd that the ideal situation would be for developers to secure the certificate before work commences. We acknowledge that the seven days' notice procedure allows developers a legal mechanism to start urgent development projects before certification. However, we stress that this procedure is subject to an undertaking by the developer to carry out any work modifications required by the fire safety certificate when it is granted. This is modelled on a similar provision in the building code for England and Wales.

Deputy Quinn referred to the option of introducing a system for the mandatory self-certification of compliance, as recommended in the 2004 report of a joint working group representing the building professions. The report acknowledges that, if the principle of mandatory self-certification is accepted, the Building Control Act 1990 would need to be amended and the details of the respective responsibilities of designers, main contractors and specialist sub-contractors

[Mr. B. O'Keeffe.]

would need to be worked out. My Department has considered the 2004 report but has a number of reservations about self-certification. First, there is a potential conflict of interest between a certifier's business relationship with the client who commissions the building and the certifier's duty properly to certify compliance to the building control authority. Second, the unfortunate reality is that some building professionals have been willing to issue compliance certificates for non-compliant building works under the Law Society's opinion on compliance system, which has been in operation since the early 1990s. This is acknowledged in the working group's report. Finally, there are major issues surrounding the arrangement, organisation and funding of essential independent audits of self-certification and the liability of auditors for any deficient certification.

Deputy Quinn pointed out that the registration of architects and surveyors under the Bill will introduce a mechanism for establishing who is entitled to self-certify. He suggested that this mechanism could also be used subsequently in the regulation of professional conduct and should act as a disincentive to dishonest self-certification. However, my Department would need to do much more work, in partnership with all the stakeholders, before the Government would be in a position to recommend the necessary enabling and amending legislation. We doubt that this process could be engaged in during the enactment of this Bill but we are willing to start work on it when it is enacted.

Much has been said in the media about the alleged tardiness of Ireland in transposing the EU directive on the energy performance of buildings. This is based on a misunderstanding that all the provisions of this directive should have been transposed on January 2006. Article 15 of the directive allows member states until 4 January 2009 to transpose the provisions relating to the building energy rating under Article 7, promotion of the energy efficiency of boilers under Article 8 and mandatory inspection of air conditioning systems under Article 9. Article 15 is an acknowledgement by the European Union that Articles 7 to 9 are demanding requirements that involve complex supporting technical and administrative arrangements.

It is interesting to note that other EU member states are also grappling with the complexities involved. I understand that, as of 31 January 2006, only ten member states, including Ireland, or 40% of the 25 member states, had notified the European Commission of partial or total transposition of this directive. All ten member states propose to defer full implementation beyond January 2006.

We are commencing the energy rating of over 80,000 new houses annually in 2007, as such rating can initially be done off plans. We will move on to the rating of existing houses, when sold or let,

by 2009. This will involve the physical inspection of an estimated 100,000 houses annually. The energy rating will generally be done by building professionals in private practice who will undergo training of about one week's duration. Sustainable Energy Ireland plans to arrange the training of up to an estimated 2,000 building professionals in energy rating over the period 2006-09.

All sides of the House have welcomed the proposal to register the titles of "architect", "quantity surveyor" and "building surveyor". There is more or less universal agreement that the time has come to protect consumers from unqualified persons passing themselves off as building professionals to unsuspecting citizens building new houses or undertaking house extensions. The relevant building professional organisations, led by the RIAI and SCS, were consulted on a confidential basis during the drafting of the provisions in Parts 3 to 7 of the Bill. However, these organisations are proposing a number of refinements of the Bill, as published, and these will all be carefully considered on Committee Stage.

In reply to points made by Deputy Broughan and Deputy Fiona O'Malley it should be noted that under the Building Control Act 1990, there has always been a right of appeal against the refusal of fire safety certificates or conditions attached to these certificates consistent with the principles of natural justice. This right of appeal is being extended to the new disability access certificate. Ireland's insulation standards are among the highest in Europe. The grant scheme for the installation of renewable energy systems in individual houses will shortly be announced by the Minister, Deputy Noel Dempsey.

I thank Deputies for their considered contributions and we look forward to a constructive debate on Committee Stage.

Question put and agreed to.

#### **Building Control Bill 2005: Referral to Select Committee.**

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** I move:

That the Bill be referred to the Select Committee on the Environment and Local Government in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

#### **Transport Policy: Statements.**

**Minister for Transport (Mr. Cullen):** This is the first substantive debate by Dáil Éireann on Transport 21 and I welcome the opportunity to outline the Government's programme for transport investment over the period 2006-15. Unlike before, we now have the resources to improve

our infrastructure. This is because of the hard work and enterprise of the people and a Government that works with them.

The seeds of Transport 21 were sown in the decision taken in 2005 budget by the Minister for Finance to implement an extended ten-year capital envelope for transport investment. That important decision was a recognition of the reality of the long timeframes involved in planning, designing and completing large transport infrastructure programmes.

The period between budget 2005 and the announcement of Transport 21 in Dublin Castle on 1 November was used by my Department to develop what is without doubt the most detailed and comprehensive transport plan ever devised in this country. The roots of Transport 21 extend back to June 2002 and the decision by the Government to establish, for the first time in the history of the State, a single Department with responsibility for national roads, aviation and public transport. The reason for doing so, as clearly stated at that time, was to further the development of an integrated transport system nationally.

The specific mandate given to the Department of Transport by the Government was to implement an integrated transport policy designed as far as possible to overcome existing delays, bottlenecks and congestion and to provide the consumer with greater choice by offering alternative modes of transport. In addition, through the integrated approach, the Department was expected to develop and implement policies designed to improve regional balance and reduce rural isolation and social exclusion.

Since 2002, the Department has undertaken substantial work on integration in consultation with other Departments and State agencies. This work takes account of Government policy documents, particularly the national spatial strategy and the regional planning guidelines. The result is a set of guiding principles for integrated transport policy, which is published in the Department of Transport's Statement of Strategy, 2005-2007. These principles provided an important policy backdrop for the preparation of the integrated investment strategy contained in Transport 21.

In preparing Transport 21, the Department also took account of the work already done on investment priorities under the existing capital envelope and of the various strategic studies already completed by my Department and its agencies, including A Platform for Change, the strategic rail review and the National Road Needs Study. The Department also engaged with its State agencies, C oras Iompair  ireann, the Railway Procurement Agency, the National Roads Authority and the Dublin Transportation Office, and relevant Departments to identify the broad direction and priorities of the investment framework. The result of all this detailed and painstaking work is a transport investment strategy that, for the first time, allocated funding for a ten-year

period to develop an integrated transport network that substantially enhances connectivity and provides for the development of an integrated transport network in the greater Dublin area.

I am sure Members will be familiar with the details of the projects at this stage and I will not deal with the specifics today. However, Transport 21 can be summarised as follows: completion of the major inter-urban motorways by 2010 and the commencement of the substantial development of the remainder of the national primary road network; transformation of the transport system in the greater Dublin area, with particular focus on the public transport network; completion of the renewal of the national rail network, with a major focus on the provision of enhanced services; and upgrading of the public transport services in provincial cities and the regions.

While the individual projects that make up Transport 21 are important in their own right, the most significant aspect of the programme is the manner in which these individual elements are integrated to provide a highly efficient national transport network that maximises the benefit of the investment for the population at large.

Transport 21 has been specifically developed with a view to supporting the Government's national spatial strategy, which seeks to promote more balanced regional development. This was an important issue for me in the preparation of Transport 21, as I was responsible for bringing the national spatial strategy to fruition during my time as Minister for the Environment, Heritage and Local Government. I am satisfied that, when taken together, Transport 21 and the national spatial strategy clearly demonstrate the joined-up thinking of the Government in the areas of transportation and spatial planning. These Government initiatives will contribute to sustainable development in all its dimensions, economic, social and environmental.

I wish to turn to the important issues of costs and value for money. Transport 21 is a fully costed programme. Its cost of  34.4 billion is based on the aggregate costs of its constituent projects, which are, in turn, primarily based on costs provided by the transport agencies. It has been confirmed by the agencies that the costs and underlying assumptions are as rigorous as possible, taking account of the various stages of development, design and implementation of the projects. I am satisfied, on this basis, that the total funding commitment of  34.4 billion is sufficient for the full implementation of Transport 21. The programme has been criticised in some quarters on the basis that the costs of its individual projects have not been made public. I do not consider it prudent to release such commercially sensitive information until the public procurement processes for individual projects are completed. Some elements of Transport 21, such as traffic management, have global financial provisions rather than individual project allocations.

[Mr. Cullen.]

In recent times, most road and public transport projects have been coming in on budget and many of them have been ahead of schedule. While this augurs well for the successful implementation of Transport 21, significant safeguards are being put in place to ensure Transport 21 is delivered within budget and within the stipulated timeframe. Transport 21 projects will be subject to normal statutory procedures, where required, capital appraisal in line with the Department of Finance's guidelines and the value for money initiatives which were announced by the Minister for Finance last October. The Department of Transport will be responsible for overseeing the implementation, by the various transport agencies and local authorities, of Transport 21. I am establishing a monitoring group, to be chaired by the Department of Transport, which will comprise representatives of all other relevant Departments. The group will be responsible for the high-level monitoring of Transport 21 and will report annually to the Government on issues such as financial and physical progress. Transport 21 addresses the important issue of the capital investment framework for transport for the next ten years. While capital investment is critical, it is just one element of the delivery of an integrated transport system.

When I launched Transport 21, I said I was convinced that a new approach to transport in the greater Dublin area needs to be delivered through a single authority with real powers to ensure there is joined-up thinking and delivery across all transport modes. A high-level four-member team, which is chaired by Professor Margaret O'Mahony and reports directly to me, has been appointed since then. It is charged with finalising a structure for the new transport authority, detailing its remit and responsibilities and identifying the human resources which are critical to its success, taking into account best international practice and experience. The new authority will have responsibility for transport in the greater Dublin area. I did not set any restrictions or limitations on the four-member team's considerations on how the role of the new authority will interact with the future role of other transport bodies in the greater Dublin area. The team is finalising its report and I look forward to examining its findings at an early stage. I intend to bring proposals to the Government for decision as soon as I have considered the team's report. The establishment of the Dublin transport authority will be another crucial step in ensuring the full and timely delivery of Transport 21.

As delivery is a such critical aspect of Transport 21, I have set out clearly the completion dates of key projects. My primary focus is on ensuring that such deadlines are fully met. I am encouraged by the progress that has been made since the launch of Transport 21. I am satisfied the completion dates are realistic and achievable. In 2006, the National Roads Authority expects to

complete some 13 projects with a combined length of 82 km and to commence work on 15 projects with a combined length of 334 km. A further 11 projects which are under way will continue construction during 2006. Since the launch of Transport 21, three roads projects have opened to traffic — the N6 Kinnegad to Enfield bypass, the N22 Gortatlea to Farranfore development and N6 Loughrea bypass — and work has commenced on three projects — the N5 Charlestown bypass, the N51 Navan inner relief road and phase one of the M50 upgrade. The latter project will involve the widening of 31 km of motorway from two to three lanes in each direction and the upgrade of the interchanges along this section. The upgrade will take place in two phases, the first of which comprises the widening of the carriageway between the N7 and N4 interchanges and the upgrading of those interchanges. Contracts have been signed and construction will start in a matter of weeks, to be completed by mid-2008, after which it is planned to move to barrier-free tolling.

We are also making real progress on public transport. Four of the seven Luas projects highlighted in Transport 21 have already been advanced. The Railway Procurement Agency has submitted railway order applications in respect of Luas extensions from Sandyford to Cherrywood and from Connolly Station to the docklands. I have appointed an inspector to hold public inquiries into the two applications. The Cherrywood inquiry began on Monday last and, subject to the outcome, it is expected that construction contracts will be awarded later in 2006. It is expected the public inquiry for the docklands extension will begin in May 2006. The RPA is also carrying out public consultations on linking the two existing Luas lines in the city centre, on which an announcement on the preferred route is expected shortly, and on the extension from Tallaght to Citywest. The RPA expects to commence public consultation on the extension from Cherrywood to Bray this month, while a feasibility study on route alignments for the Lucan Luas line is under way. The capacity enhancement project on the Tallaght Luas line is on schedule to deliver an additional 40% in capacity by 2008, by means of the extension of the trams from 30 m to 40 m.

I was happy last Tuesday to launch the public consultation process on the selection of the best route for metro north, which will lead to 41,000 cars a day being removed from Dublin's streets. There will be a metro every 90 seconds, travelling from the city centre to Dublin Airport in 17 minutes and from the city centre to Swords in 26 minutes. It is estimated that at least 80,000 passengers a day will be carried on metro north, which will integrate with Luas, bus, cycling, taxi and rail services and with park and ride services at Swords and Ballymun. Metro north will integrate with metro west, the Maynooth rail line, the Tallaght and Sandyford Luas lines and DART via

the interconnector at St. Stephen's Green. The consultation provides outlines for three route options for metro north. It has been indicated that the central route is the strongest from a number of points of view including construction feasibility, fulfilling transportation needs and capital cost. However, the final route will not be chosen until the public consultation process has been concluded, the people have had an opportunity to give their views and the railway order processes have been completed. The RPA will consult widely with people living and working in the city, public representatives, agencies and local authorities, thereby giving people an opportunity to express their views and have them taken into account in the implementation of the project. The RPA is also undertaking a study on route alignments for metro west.

Significant progress is also being made by Iarnród Éireann. A public inquiry into the application for a railway order for the Kildare route project was completed on 2 February. I expect to receive the inspector's findings in the coming weeks. Subject to the issue of the railway order, construction work on the project will commence in the second half of this year. An application for funding from Iarnród Éireann for the construction of a new railway station in the docklands is being assessed by the Department of Transport. If the proposal is found to be acceptable, work is due to commence by the end of 2006. Other projects are being planned outside Dublin. Design work on the Cork commuter rail project has almost been completed. An application for a railway order for the project is expected by the end of April. Subject to the completion of that process and the granting of a railway order, construction will commence by the end of the year. The proposals submitted by Iarnród Éireann for the first phase of the western rail corridor, between Ennis and Athenry, are being examined. I look forward to outlining further progress in this regard in the near future. The first of 67 new rail carriages for the Dublin to Cork railway route will come into service later this month. All of the carriages will be in service by the end of 2006, thereby facilitating the operation of a service on the route every hour. Iarnród Éireann has placed an order for 150 railcars to operate on the remaining intercity routes. The delivery of the railcars will begin in 2007.

At the launch of Transport 21 in November, I repeated my view that buses will continue to play a crucial role in the public transport system. Buses will continue to carry the greatest number of people of all public transport modes even after the significant modal shift has taken place. As I told the Dáil previously, Dublin Bus submitted an application for additional fleet requirements in 2006 and 2007, comprising 200 buses and a new garage. The Department is examining the application with regard to the findings of the Dublin bus network review, which has been submitted by Dublin Bus, and proposals on the reform of the

bus market. The Department is examining proposals from Bus Éireann about the development of its fleet between 2006 and 2008. The relevant implementing agencies are responsible for identifying the project milestones necessary to achieve the completion deadlines. The structures I am putting in place — the new transport authority for Dublin and the high-level monitoring group — will assist in ensuring projects are delivered in the published timeframes.

We have seen the beginning of a new dawn in the transport sector in recent times. High-quality roads have been opened and enhanced public transport services such as Luas have come on stream to provide more comfortable, more efficient and safer services. The Government is now focusing clearly on implementation and delivery. The implementation of Transport 21 will give Ireland a first-class transport system that will connect all regions to each other and to our main seaports and airports and will provide greatly enhanced public transport alternatives to the private car in our cities. Transport 21 will give us a transport network that underpins Ireland's competitiveness, promotes balanced regional growth and enhances the quality of life of all citizens for generations to come.

## Ceisteanna — Questions.

### Priority Questions.

#### Hospital Staff.

1. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children her views on extending the working date for hospital consultants; if it is part of the present contract negotiations; the negotiations which have taken place to date; and if she will make a statement on the matter. [8735/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the terms of the 1997 consultant contract, each consultant is contracted to work within the normal working week from Monday to Friday. Most consultants are also available on an on-call basis outside these hours. In 2003, the national task force on medical staffing recommended that health professionals should work as part of a multidisciplinary team centred on delivering quality patient care over the full 24-hour period. Since 2003, management has sought to begin substantive negotiations on a new contract with the medical organisations. For a number of reasons, including the organisations' opposition to the extension of the clinical indemnity scheme to consultants, both the IMO and the IHCA did not begin talks until November 2005.

Talks on a new contract began on 24 November 2005 under the independent chairmanship of Mr. Mark Connaughton SC. At that meeting and at a



[Ms Harney.]

further plenary meeting in December, both the IHCA and the IMO indicated that they required a number of issues to be addressed before they could engage in substantive negotiations on a new contract. A position paper outlining proposals on a new employment contract for consultants working in the public health system was tabled by management at a plenary meeting on 26 January 2006. The medical organisations have refused to engage in substantive discussions on these proposals. The talks were adjourned at a further meeting on 9 February. While a further meeting between management and the consultant representative bodies has not yet been arranged, the independent chairman is maintaining contact with both sides with a view to arranging a formula to effect the resumption of substantive and intensive negotiations at an early date.

In its proposals to the medical organisations, the management team has outlined the need for consultants to work a 39-hour commitment over the 24-hour, seven-day period agreed and detailed in an annual work plan for each consultant. Work plans will follow a framework developed at national level and will be reviewed and agreed annually by consultants, clinical managers and management.

*Additional information not given on the floor of the House.*

The key objective of the new contract is to address the needs of all patients by achieving greater equity and increasing productivity in a consultant-provided 24-hour, seven-day hospital service. This will ensure that patients have access to senior clinical decision makers, that is, the consultants, when they need them. Rapid access to consultants will speed up diagnosis and treatment and reduce the need for repeated reviews by junior medical or other staff. It will also mean that patient or clinical need determines the nature of rostering arrangements for consultants and that patient access to care and the speed with which care is delivered is determined only by clinical need.

**Dr. Twomey:** Has the Department ever seriously considered extending the consultants' working day from its current format of 8 a.m. to whenever? If work was done on the issue in the Department, what were the difficulties encountered in extending the consultants' work time? The four-page document given to the consultants by the Health Service Executive on behalf of the Minister did not mention extending the consultants' working day. I thought such an extension would have been an integral part of both the European working time directive and the Minister's plan, namely, the Hanly report. Why does this aspect not feature in the renegotiation of the consultants' contract? Has the Department more or less rejected the idea of extending the working day?

I understand what the Minister says about the negotiations with consultants not happening, but there is nothing coming from the Department indicating that she has any great interest in it either. What background documents does she have? What difficulties does she think she will encounter, apart from those with the consultants? The extension of the consultants' working day would make outpatients clinics more available, but that idea seems to have fallen off the radar.

**Ms Harney:** The Deputy is correct. The idea is to provide a 24-hour, seven-day service delivered, rather than led, by the consultants. There are 4,000 non-consultant hospital doctors and 2,000 consultants working in this country and we need to change that ratio around if we are to have consultant delivered services. The commitment in the current contract is for 39 hours to public service work and we want to change that. We want to introduce a new contract for full-time public consultants so that consultants are not incentivised to see one patient over another and that all patients who enter a public hospital will be seen by a consultant who is salaried to see them. As part of any new contract of employment, we want to have consultants employed on a 24-hour, seven-day basis. These issues must be agreed in the negotiations. It is not correct to say that we are trying to have an 8 a.m. to 5 p.m. day for consultants. Consultants will be expected to work evenings, nights and weekends. Perhaps that could be excluded for older consultants, but it would be the norm for younger consultants and part of their contract of employment.

**Dr. Twomey:** My question has not been answered. The idea was to extend the core working day. Discussions on this issue went back to 1999 when we first raised the idea of extending the consultants' core working day. That seems to have fallen off the radar completely. Why is that the case?

**Ms Harney:** Unless we can change the current consultant contract, it is not feasible to negotiate the extension of the working day either from a personnel perspective or a financial perspective. To address one issue in isolation is not satisfactory. Consultants have a contract of employment that lasts their working career. Either side can break or alter the contract, but there are serious financial implications if that is done.

We want a new contract for new consultants which is more modern and which involves consultants working in teams with clinical directors and so on. The clinical director would be responsible for ensuring that consultant cover is provided on an ongoing basis. However, it would not be satisfactory to negotiate it in isolation from the other issues.

#### **Departmental Investigations.**

2. **Ms McManus** asked the Tánaiste and Mini-

ster for Health and Children if she has received the report of the inquiry chaired by Judge Maureen Harding Clark into the activities of the former Drogheda obstetrician, Dr. Michael Neary; if medical records of a number of patients who underwent Caesarean hysterectomies under the care of Dr. Neary at Our Lady of Lourdes Hospital were deliberately removed from the hospital; the action she intends to take arising from the report; if she will establish a process for providing compensation for women who were treated in this way; and if she will make a statement on the matter. [8731/06]

5. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she has received the Harding Clark report on the obstetrics and gynaecology unit at Our Lady of Lourdes Hospital in Drogheda; the actions she proposes to take arising from the report; and if she will make a statement on the matter. [8742/06]

**Ms Harney:** I propose to take Questions Nos. 2 and 5 together.

The report of the Lourdes Hospital inquiry, chaired by Judge Maureen Harding Clark, was published on Tuesday 28 February. The inquiry was established by the Government in 2004, following the decision of the Medical Council to remove Dr. Michael Neary from the register of medical practitioners, having found him guilty of professional misconduct.

I am conscious that the last few years have been particularly difficult and traumatic for many former patients of the maternity unit at Drogheda. Yesterday, I met Patient Focus to discuss the findings of the report. The question of compensation will now be considered by my Department in the light of the report's findings and in consultation with the Office of the Attorney General and the Department of Finance, with a view to bringing a proposal to Government.

This is a damning report and it is clear from the findings that many lessons need to be learned and changes made to ensure that such events do not occur again in hospitals. The findings and recommendations are being examined in detail by my Department, which will consult the Health Service Executive and the various professional regulatory bodies. The recommendations in the report will act as a significant catalyst in the reform agenda. They confirm the appropriateness of the actions being taken in the preparation of the new medical practitioners Bill, the reform of the current consultant contract and the changes in management systems within hospitals.

The forthcoming medical practitioners Bill will make continuing professional development and education compulsory. It will also ensure that competence assurance will be given a statutory basis. In the current consultant contract talks, the management side has put forward proposals to ensure that consultants work in teams with clear

clinical leaders who will ensure that individual clinical practice is in line with best practice.

One of the many disturbing findings in the report is that the obstetric hysterectomy records of 44 patients are missing and that they were intentionally and unlawfully removed from the hospital with the object of protecting those involved in carrying out the hysterectomies or in protecting the reputation of the hospital. The inquiry is satisfied that a person or persons unidentified who had knowledge of where records were stored and who had easy access to those records was responsible for a deliberate, careful and systematic removal of key historical records which are missing, together with master cards and patient charts. In respect of the conclusions on the deliberate removal of patient records, I have invited the Garda Síochána to examine the report to determine whether further investigation is now warranted.

**Ms McManus:** I welcome the fact the Minister for Health and Children met Patient Focus yesterday. I also welcome the women in the Visitors Gallery who were injured so brutally. I appreciate that the detail of the compensation scheme may not be available yet but the Minister can give us certain assurances today. Will she ensure that all women affected will be included in the compensation scheme, that is, not just those who came within the terms of reference of the report but also women who had their ovaries removed or women whose babies died in the unit? Will Patient Focus and the women be involved in drawing up the terms of reference of the compensation scheme, as was indicated by the Minister?

With regard to how the scheme will be managed, will the Minister ensure that the women will not have to endure undue delay while the Minister, the insurers and the hospital wrangle about how much money each will contribute? Can the Minister state that the women will get their compensation and that she will then live up to her responsibility to protect the taxpayer? The women must come first. Will the report be referred to the Oireachtas Committee on Health and Children after next Wednesday's debate? The Taoiseach, rather curiously, said yesterday that some of the recommendations would be implemented and some would be taken into account. The phrase "taken into account" is code for not being implemented. Will the Minister differentiate between the ones that will and will not be implemented?

**Ms Harney:** There is no doubt that the women come first. It is heartbreaking to hear their stories at first hand, as I did yesterday and on a previous occasion, and to hear of the experience of so many women, many of them as young as 20 years of age, when this happened. It is just incredible. It is extraordinary, as many have acknowledged, including the Deputy, that this went undetected for so long. That is probably one of the most

[Ms Harney.]

extraordinary aspects of this sad episode. The cause of the women comes first and that is my main focus at present. In the discussions I had yesterday I gave the women that assurance. They have waited eight years to get to this point and it has taken longer than anybody could have anticipated. However, they, together with everybody else who has read it, welcome the report. They see it as thorough, robust and fair.

Next Monday, I hope to meet Judge Maureen Harding Clark. She is currently in The Hague and will return to Ireland on Monday. I am anxious to hear her ideas about routes for compensation. The Government has not formalised any compensation scheme but the Taoiseach and I have acknowledged that we want to do this. I want to do it as quickly as possible. I certainly do not want the affected women to be forced to take the legal route to get compensation in this case. In any event, given that 44 files have been stolen, it would not be possible for those women ever to vindicate their rights through the judicial process. We have, therefore, an obligation to ensure they are taken care of.

I am happy to ensure the report goes to the Oireachtas Committee on Health and Children after the debate next Wednesday. I have already arranged to meet the Medical Council on Monday to discuss the report. I am not aware of any recommendation that will not be implemented or cannot be acted upon. I have not had an opportunity to study all the recommendations but it is my intention to take on board the recommendations of Judge Maureen Harding Clark. In all the circumstances, they are reasonable.

Yesterday, my meetings with four members of the medical board of the hospital and, separately, with the management of the hospital were focused on putting the remaining recommendations relating to that unit into effect as quickly as possible. John O'Brien from the national hospitals office in the HSE and his team will be in the hospital next week to put a process in place to make that happen as quickly as possible.

**Ms McManus:** A Cheann Comhairle, may I ask a supplementary question?

**An Ceann Comhairle:** Deputy Ó Caoláin also submitted a question. I will call the Deputy after Deputy Ó Caoláin.

**Ms McManus:** Will I have an opportunity to ask a supplementary question?

**An Ceann Comhairle:** If time permits.

**Caoimhghín Ó Caoláin:** I hope both Deputy McManus and I will have time for a brief supplementary question later. Can the Tánaiste indicate if legislation will be required to establish the redress scheme she envisages so the women vic-

tims of Mr. Neary and others can win redress? I stress, as I did yesterday, the phrase "and others". It was not only Dr. Neary who was involved. What is the timescale for the commencement of processing the cases through the redress scheme? How soon does she expect such a process can get under way?

The Tánaiste stated that the Harding Clark report confirms the appropriateness of the actions being taken with regard to reform of the current consultant contract and changes in management systems within the hospitals. I asked the Taoiseach questions about this yesterday but he did not reply to them. The reform of the consultants' contract has been overdue since 2002. Judge Maureen Harding Clark made particular reference to this. What is the position with the renegotiation of the common contract? Has it reached a brick wall? What is the Minister's intent in that regard?

I hope the Tánaiste studies all the recommendations of Judge Maureen Harding Clark. The judge stated in the report that consultants at the Our Lady of Lourdes Hospital currently spend too much of their time on private patients. Has the Tánaiste noted that point and does she accept that it is an ongoing problem, as Judge Maureen Harding Clark does, and is directly related to my earlier question about the consultants' contract? Has the Tánaiste noted from the report that while it is acknowledged that much has changed for the better at the Lourdes hospital, Judge Harding Clark also states that there are still worrying things ongoing at the hospital? Has she noted the judge's criticism of the risk management among some of the consultants and the judge's statement that no elective major gynaecology operations are carried out as there are no dedicated gynaecology beds available for elective operations?

What will the Tánaiste do about the failure to designate gynaecology beds to cater for elective surgical procedures at Our Lady of Lourdes Hospital, the only site with such a specialist team in the north-east region?

**Ms Harney:** To the best of my knowledge, legislation will not be necessary for a redress scheme but it might be necessary to pursue insurers. However, we do not need to wait for that legislation to proceed with the scheme. In other words, we can pursue the legislation while the scheme is under way. I am determined to ensure, if possible, that the State pursues the insurers and that the taxpayer does not carry all the cost of a compensation scheme.

The intention is to go to the Government on this quickly. I told Patient Focus yesterday it will certainly be during March and as early in the month as possible. I have already had discussions with the Attorney General and I will meet the judge next Monday as well as the Attorney General. As soon as all the pieces are together, I will go to the Government to secure approval for

a scheme. We will not be found wanting in terms of the speed at which we make this happen. It is important that, in so far as one can bring closure to this sad episode, it is done as quickly as possible.

With regard to the consultant contract, the reason we want a public only contract is precisely that identified by Deputy Ó Caoláin. There is increasing evidence throughout the country that more private patients are coming into the public hospital system. The Government's decision to move up to 1,000 private beds out of the public hospital system is made with the intention of converting those beds into public beds. That will apply in Drogheda, hopefully, as much as it applies everywhere else.

To be fair, the number of consultants in Drogheda has increased from 31 to 62. Last year, €75 million was spent in that hospital. There are still issues in the hospital and I discussed them last night with the management and the representatives of the medical board. Next week, the national hospitals office will be on site with the management to ensure these recommendations are implemented quickly. There will be no excuse for not implementing the recommendations as quickly as possible.

With regard to the new consultant contract, we need arrangements for clinical governance. It is a fact that some staff knew what was happening at the hospital, which was not appropriate. Some staff complained but their complaints were ignored. We need clinical governance at every level in the hospital. We need to have a clinical director in charge of the surgeons and a clinical director on the medical side so that best practice can be implemented on all occasions. If best practice had been in operation in this case, the tragedy would have been avoided for the women affected. It will be part and parcel of the new consultant contract that consultants will work in teams and not as sole operators, and that they will be responsible to a clinical director who will have overall responsibility.

**Ms McManus:** A question was not answered. With regard to the women who were not covered by the terms of reference of this report and who, for example, had their ovaries removed or whose babies died, will they be included in the compensation scheme? I take it from what the Minister has said that the women will be paid compensation ahead of any difficulties she may have with regard to insurers or getting the hospital to contribute, and that they will not be left waiting for the negotiations to be completed before they are compensated.

**Caoimhghín Ó Caoláin:** I have a brief question.

**An Ceann Comhairle:** I am sorry, Deputy. We are running over time. I call the Tánaiste.

**Ms Harney:** The Government has not yet approved the compensation scheme but I have indicated my strong support for one, as has the Taoiseach. The women will not be left waiting; they must come first. However, if it is the case that we need legislation to pursue insurers, we can do that at the same time and it should not cause delay. I envisage that the State would pay the compensation and would then seek to recoup it. That is what I have discussed with my officials and with regard to the legal advice from the Attorney General's office.

The report focussed on a particular group of patients. The judge met the women to whom the Deputy referred, as did I. Although they are not specifically referred to in the report, I have great sympathy for the position in which they find themselves. I will make that clear to the Government.

**An Ceann Comhairle:** I call Question No. 3.

**Caoimhghín Ó Caoláin:** I have a brief question.

**An Ceann Comhairle:** Sorry, Deputy. We have gone three minutes over on this question.

**Caoimhghín Ó Caoláin:** I thought Question No. 2 and Question No. 5 would have parity.

**An Ceann Comhairle:** I appreciate the Deputy's point. I suggest that Standing Orders be changed to allow longer time for questions.

**Caoimhghín Ó Caoláin:** I will find another mechanism.

#### **Infectious Diseases.**

3. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if she is satisfied with the preparations for avian flu and a possible flu pandemic; the reason Dáil Éireann was not informed about the purchase of a vaccine which was announced through the media; and if she will make a statement on the matter. [8740/06]

**Ms Harney:** I am satisfied with progress on preparations for a possible flu pandemic and with public health actions in response to a possible outbreak of avian flu in Ireland. The health sector's role in regard to avian flu relates to the human health implications that would arise were there to be an outbreak of avian flu. Guidance on the investigation and management of suspected human cases has therefore been developed and circulated within the health system.

My Department and the Health Service Executive are working closely on pandemic planning. The influenza pandemic expert group is updating the expert guidance and the pandemic influenza operational response plan is being updated in line with the expert advice. In addition, my Department has established a standing inter-

[Ms Harney.]

departmental committee to consider issues which go beyond the health aspects of a flu pandemic.

Arrangements have been made to procure a stockpile of H5N1 vaccine for key health care workers and other essential workers and we are stockpiling 1 million treatment packs of the antiviral drug, Tamiflu. Arrangements have also been made to purchase a supply of the active pharmaceutical ingredient to treat children aged one to five years of age and further arrangements are being finalised for the stockpiling of additional supplies of the other suitable antiviral drug, Relenza.

I do not understand the Deputy's reference to this House not being informed with regard to the purchase of H5N1 vaccine. On 31 January last, in reply to a parliamentary question, I stated that arrangements to procure a stockpile of H5N1 vaccine for key health care workers and other essential workers were in train. Officials from my Department and the HSE informed the Joint Committee on Health and Children on 16 February of our plans in this regard and the Joint Committee on Agriculture and Food was briefed on 25 January. The announcement with regard to the purchase was made last Friday at the earliest possible opportunity.

**Mr. Gormley:** I attended the meeting to which the Tánaiste referred and have checked the minutes. No reference was made to the purchase of 400,000 doses of vaccine. Will those 400,000 doses be given on a voluntary basis only? How many people does the Tánaiste expect to use the vaccine? When will the 400,000 doses arrive? Does the Tánaiste agree with the assessment of Dr. Kevin Kelleher, who addressed the Joint Committee on Health and Children, that the health service as it stands probably could not cope with a flu pandemic? Can she confirm that the full stock of antiviral drugs has not yet arrived and probably will not arrive until next September? Can she confirm that a new national emergency plan will not be finalised until the end of the summer, that the plan for dealing with a pandemic has not been updated since 2004 and that hospital isolation units are inadequate and sometimes non-existent? Given all of this, does she agree we cannot face a possible flu pandemic with any degree of real confidence?

**Ms Harney:** I totally disagree. We have shown in recent times, in particular with regard to how the foot and mouth disease was handled, that we are very good, as a country, at handling emerging issues of this kind and can work closely together. Our planning is very much in line with that of the World Health Organisation. We follow its instructions and the 2004 plan is in line with its instructions. The WHO is constantly updating its plans and we do the same. Therefore, it is not correct to say we have no plan. We have a plan,

which is constantly revisited. The new plan will be available this summer.

The vaccine would be taken on a voluntary basis but it is clear that health care professionals would want to use the vaccine to protect themselves. It has been 40 years since the last pandemic. This morning our national expert, Professor Hall, who is one of the world experts in this area, told me it could be another 40 years until the next pandemic. However, we must be vigilant and cannot be complacent. Therefore, when we are creating stockpiles in Ireland of vaccines, Relenza and Tamiflu, we do so to have enough to cover 40% of the population, which is a higher proportion than in any other European country. Indeed, we have been commended for our proposals.

In the event of a pandemic, it is undoubted the health system would be under pressure, as it would be in any country. We would have to respond to that pressure and would do so at different levels, in the first instance using Tamiflu, Relenza and the vaccines. We are acquiring these products as quickly as we can. We joined with the UK to access the vaccine because as a small country we do not have much muscle in dealing with the producers of these products. We joined with the UK for a single procurement of the vaccines and I am pleased to acknowledge the support of the UK in allowing us to operate with it. This gave us greater clout in negotiating with the producer of the vaccine, which is not yet available. We also have a sleeping contract for any vaccine that might be manufactured after the strain of the disease is identified, which would not be for four to six months after a pandemic would arise.

**Mr. Gormley:** The vaccine to which the Tánaiste referred was discussed at the committee meeting. The Tánaiste referred to 40% coverage. The committee was told there would be 25% coverage. Has it increased in the meantime? The Tánaiste also stated the threat might arise 40 years from now. The committee was clearly told that it is not a question of if, but when. Does the Tánaiste agree that, given that there has been a case of the virus spreading to a mammal in Germany, it will probably not be 40 years hence and that we are dealing with an urgent situation?

**Ms Harney:** I am quoting Professor Hall, who said it was 40 years since the last pandemic and that nobody could say for certain when it will happen, and that it could be 40 years from now. It is not significant that the disease transferred to a cat in Germany. Last year 45 tigers had to be put down in Bangkok zoo because they ate raw, infected chicken — I stress that it was raw, infected chicken and that it happened a year ago. What happened in Germany is not new.

The decision to purchase Relenza is new. Together with the vaccine, the use of Relenza will mean that 40% of the population is covered. To

the best of my knowledge, no country is aiming for anywhere near that target and certainly none are going beyond it. We have decided to buy Relenza, an inhaler-type product, which we believe is suitable for certain categories of patients, as well as the Tamiflu in addition to the vaccine for health care and other workers. The H5N1 virus first arose in South-East Asia in 1997. We must be vigilant. I met Professor Hall today and regular meetings of the expert group are held. I recently sat in on a European planning meeting in the event of a pandemic. Among the issues on which we have yet to make decisions is what we should do with schools. Should we advise people to stay at home? Many health care workers are parents and may stay at home with their children, and other major issues remain to be resolved. We are working with other countries to establish clear areas of co-operation and co-ordination in these matters.

### Health Services.

4. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she will list the 75 to 100 existing primary care teams to which she referred in her Estimates announcement in November 2005; and if she will make a statement on the matter. [8736/06]

**Ms Harney:** The Government is fully committed to the implementation of the principles contained in the primary care strategy, which provides a template for the reform and development of primary care services. The chief executive officer of the HSE has also emphasised the importance of developing primary care services, both as the appropriate service for the delivery of the majority of people's health and social care needs and to complement the services provided by acute hospitals. This is an important priority of the executive and has my full endorsement.

In order to support further implementation of the strategy in 2006, additional revenue funding of €16 million has been provided. Of this funding €10 million is to support the establishment of 75 to 100 primary care teams nationally. This will enable the provision of 300 additional front-line personnel to work alongside GPs to provide integrated and accessible services in the community. Work by the HSE to establish these primary care teams is under way. The executive will be targeting the funding so as to provide each local health office of the HSE with the potential to develop up to three primary care teams. The executive hopes to focus where possible on areas of disadvantage and with health inequalities in planning for the establishment of these teams.

A sum of €4 million has been provided for the establishment of additional general practitioner training places and €2 million to enhance general practitioner out-of-hours co-operatives. This means that, taking into account development

funding provided since 2002, €28 million will be available in 2006 specifically to support the implementation of the primary care strategy.

Wider implementation of the primary care strategy will focus on developing new ways of working and of reorganising the resources already available to the health service in line with the service model described in the strategy. This whole-system approach to implementation means change will be required in many sectors in the health service and not solely within the primary care system.

**Dr. Twomey:** The Tánaiste announced that 75 to 100 existing care teams nationally would receive funding. If they existed I would expect two or three of them to exist in County Wexford and like the Taoiseach, having gone up every tree in County Wexford, I still do not know where the primary care teams are for County Wexford. Nobody knows what she is talking about. These are phantom primary care teams. This deserves some scrutiny. Many of the Tánaiste's recent announcements come to nothing. Only 7,000 doctor-only medical cards and just over 1,000 of the full medical cards announced have been issued. Rather than making a statement about the €10 million and 300 personnel, I would like to know where they will be and with whom the HSE has consulted. In County Wexford, where I feel I know most of the people, and across the country I have met nobody who has been in discussion with the HSE regarding the existing primary care teams, to which the Tánaiste refers. I would like to see the breakdown of where the 300 personnel are located. They have been announced, but we do not know where they are.

**Ms Harney:** Obviously the Deputy is ill informed, as there are three in each local health office. In Dublin we have nine local health offices, which would mean 27 in Dublin. I recently discussed the matter with Dr. Seán Maguire who is spearheading the project for the HSE. I believe he is familiar to the Deputy. Perhaps I can ask him to communicate to the Deputy the precise location of the discussions taking place in the Wexford area. The idea is to develop primary care services, which are not just about general practices, but also about supporting general practitioners with other therapists such as physiotherapists, chiropodists and occupational therapists in the community so people can have the range of services at that level to allow a primary care strategy to be rolled out across the country.

I do not have the details of the location of the 75 to 100 people. However, I am sure if the Deputy speaks with the representative of the HSE he can discover where and who they are. There are three in each local health office. I am not sure how many local health offices Wexford has and whether it is more than one. Dublin has nine.

**Dr. Twomey:** The Tánaiste should ask the HSE to publish this information on our behalf. We should not need to look around to find where this is happening. It is not a new way: the Tánaiste is losing her way regarding the primary care strategy.

*Question No. 5 answered with Question No. 2.*

### Other Questions.

#### Departmental Bodies.

6. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children the reason the 2006 service plan for the Health Service Executive has still not been published; and if she will make a statement on the matter. [8348/06]

**Ms Harney:** Under section 31 of the Health Act 2004, the Health Service Executive must submit a service plan to the Department of Health and Children within 21 days of the publication of the Estimates. The service plan was submitted in line with this legislation on 8 December 2005. There was a further period of 21 days from its submission to either approve the plan or issue a direction to have it amended. I approved the HSE plan on 22 December 2005.

Under section 31 of the Health Act 2004, it is my responsibility to “ensure that a copy of the approved service plan is laid before both Houses of the Oireachtas within 21 days after the plan is approved”. I laid the service plan before the Houses of the Oireachtas on 9 January.

**Dr. Twomey:** The HSE was established to bring reform to the health services — that is not to say it brought reform to the Government. Under the code of practice for State bodies, which the Tánaiste has outlined, the HSE has fulfilled its part. It gave the Tánaiste the service plan, which was laid before the Houses of the Oireachtas. When was the service plan placed on the website of the Department of Health and Children? It was extremely difficult to get copies of the plan for someone who was not a Member of the Houses or who did not know a Member of the Houses.

Why does the service plan contain no targets? We have no idea how many home-help hours or home care packages are expected to be delivered in 2006. We do not know what will happen in primary care. The service plan gives no figures and I would like to know what is happening in this regard. How does the board of the HSE monitor what is happening in its organisation if it is following a service plan without clear targets? An un-audited financial statement based on the service plan must also be published at some stage by the HSE board. I would like to know the figures from which it is working. I have serious con-

cern with the transparency of what is happening in the HSE. The Tánaiste should speed up the process of placing these plans in the public domain and she should also review the plan. It is very poor on targets, facts and figures that people can use to see if the HSE is an addition to the health services or just a fob. We need greater accountability in what the HSE is doing.

**Ms Harney:** The Deputy has made some valid points about the specifics in the plan. The HSE is a new organisation and has only been in existence for 14 months. Rather than the money being broken down along the lines of the old health board regions, I would like to see it broken down along more specific lines. I have communicated this to the HSE and in time that will happen. The plan is available on its website and has been available by e-mail since I approved it. It is one of the specified documents in the Act that is required to be made available to Members of the Oireachtas. I do not know whether that happened. If it did not happen I will ensure it will happen in future.

#### EU Directives.

7. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if the implementation of the European working time directive would be affected by her plans for public-only consultants; and if she will make a statement on the matter. [8340/06]

**Ms Harney:** Implementation of the European working time directive will necessitate the following reductions in the working hours of all doctors: a maximum of 58 hours per week from 1 August 2004; a maximum of 56 hours per week from 1 August 2007; and a maximum of 48 hours per week from 1 August 2009.

The national task force on medical staffing was charged with examining how this directive could be implemented without adversely affecting service delivery. Against the background of the required decrease in non-consultant hospital doctor working hours, the task force recommended the introduction of a consultant-provided service and an increase in the number of consultants. These recommendations are being advanced within the context of the HSE-led negotiations on a new consultants' contract. The issue of public-only consultants is also being advanced in those talks. It is intended that as part of a consultant-provided service, such consultants will be remunerated exclusively on a salaried basis, that is, they will not receive additional remuneration for treatment delivered to private patients.

The new public-only consultant contract will help support the implementation of the directive and will improve patient access to care and ensure better delivery of health services.

**Dr. Twomey:** I fully support what the Tánaiste is doing regarding public-only contracts, but the European working time directive must be teased

out. We must fill people in. Neither the Tánaiste nor I can wait either the ten or the 25 years mentioned to get working health services. Do we need a new consultants' contract that includes the present consultants? Do we need a new work regime for junior doctors to be brought in more urgently? As the Tánaiste pointed out on "The Late Late Show", if the present batch of consultants does not join in a new contract, we will be stuck with the current system for 25 years. Will we find ourselves trying to piggyback two systems, the public-only consultants and the existing ones, along with work practices regarding junior doctors?

That essentially makes it quite clear that the European working time directive will be at least a decade behind before we gain any control over this. The public service cannot wait for that. It has nothing to do with the Hanly report but with getting a health service to patients in their communities. In some respects, the Tánaiste has made the mistake as witnessed in many statements made in this regard. She is selling the concept of what one does with the consultants as a progressive move. I am very concerned at what will happen with the European working time directive. If the hours are cut for any reason, for example, because someone takes a court case, might we not run into massive problems in the health service? Does the Tánaiste have any contingency plans for that case?

I have asked the Tánaiste before whether we have some mechanism to get consultants on public-only contracts into the system quickly. All that I see happening is that we are in a situation, and I would like to know what contingency plans the Tánaiste has if the European working time directive fails. Will we go back to the EU or do we have an emergency plan? If we do not, patient safety and care and the delivery of health services to them will collapse very quickly.

**Ms Harney:** Regarding negotiations under the auspices of the Labour Relations Commission, LRC, with non-consultant hospital doctors, I understand that good progress has been made. On the wider contract issue, we clearly wish to shrink the number of non-consultant hospital doctors and increase the number of consultants. I have received a very favourable reaction from many consultants to the concept of a public-only contract. I have met an amazing number of people who have said that they thought it a very good idea. Quite a number of category one consultants in particular may well opt for that contract.

Unfortunately, consultants are unhappy because of two issues, one being to do with pricing the new contract through the review group on higher pay on the same basis as other public service jobs. They want it priced through the talks process and negotiation. The other issue on which there is dispute is the decision of the HSE board

to stop appointing category two consultants who can work on several different hospital sites, something not very satisfactory from a patient or hospital perspective.

We urgently need the new contract in place. I intend for it to have a five-year review clause or something of that kind. Our having a current contract or contracts with no review clauses puts the State and health service in a very vulnerable position. As I said, that contract is clearly for their working lives, but either side could break it. However, there would be financial consequences in doing so. It would be better if we could negotiate a new contract. I certainly hope that we can introduce new consultants to the Irish health care system on a public-only contract very soon.

I was recently in Canada regarding cancer services and met quite a few excellent Irish doctors heading services there. There is a great deal of Irish expertise overseas that I would love to attract back to our health care system. Many of them would return if we could provide an appropriate contract of employment and substantially increase the numbers of people in different areas.

**Caoimhghín Ó Caoláin:** I wanted to come in on that last point. Under the European working time directive, there is a clear need to ensure more consultants in the system. In line with what Deputy Twomey has already put to the Tánaiste, can she outline to us what steps she is now taking and what further measures she is considering to ensure greater throughput, not only regarding indigenously trained staff from whatever community, but also regarding ensuring that they remain in the system? Every citizen is paying for the process. We are not paying for them to go off and take their skills elsewhere. There is massive investment on the part of every taxpayer in this State.

We are losing people at an inordinate rate. What steps will the Tánaiste take to ensure that people remain in the system here? We must gear matters towards that. It must be attractive, and that is not only a matter of money but a raft of different things that affect the conditions of employment. We must make it attractive for people to stay.

I agree with the Tánaiste that the Canadian system is very interesting since it is open to all on the basis of need and free at the point of delivery, excepting only a very small number of services not provided through the national health system. Along with other experiences, it is well worth considering in formulating a new health care system in our own jurisdiction. I would like to know the Tánaiste's response and what she is now doing to attract back some of those whom we have already lost.



**Ms Harney:** Recently, Connolly Hospital in Blanchardstown won approval for seven new consultants to implement what we are attempting through the contract discussions, including team working. Almost all of them are Irish people who have returned from positions in the US, which is very encouraging. I very much agree with the Deputy that it is not all about the salary. It is also about working conditions. It is not just the facilities but such matters as protected time for education, training and research, clinical governance issues and back-up facilities. Many consultants have said to me that they returned, got a job and found themselves virtually on their own without any secretarial or information technology back-up.

It is a range of factors and in Canada, one thing I found very attractive was that after six years one can have a six-month sabbatical to conduct research or attend training. Many consultants there find that very tempting. Others may feel that after the age of 55 they do not want to do night or weekend work. We need a flexible contract of employment that attracts and keeps the best. In particular, we must double the numbers we have. That will make the system very appealing. However, we could not possibly begin to do that on the current contract, which is very unsatisfactory from the perspective of the patient and the health system.

8. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the status of the European working time directive; and if she will make a statement on the matter. [8338/06]

62. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the way in which the European working time directive is affecting the delivery of health services; and if she will make a statement on the matter. [8339/06]

108. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children if the slow progress of the European working time directive will affect the delivery of health services and lead to the downgrading of services to a number of hospitals here; and if she will make a statement on the matter. [8341/06]

**Ms Harney:** I propose to take Questions Nos. 8, 62 and 108 together.

The provisions of the European working time directive as it relates to the working hours of doctors in training came into force on 1 August 2004. The relevant provisions were transposed into Irish law by way of the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004. That will ultimately reduce non-consultant hospital doctors' working hours to an average of 48 hours per week. The introduction of new rosters in

many sites would facilitate significant progress towards compliance with the directive while maintaining safe patient care and existing levels of service provision.

Employers and the Irish Medical Organisation have been engaged in discussions for some time under the auspices of the Labour Relations Commission to advance proposals to effect a reduction in the working hours of non-consultant hospital doctors. The LRC however, has requested that both parties refrain from engaging in any form of unilateral action for the duration of the negotiation process. Consequently, health employers are at present awaiting agreement between management and the IMO at national level before proceeding with the introduction of these rosters. On 7 February 2005, both sides accepted a proposal made by the LRC to establish a national implementation group. This group co-ordinates the work of local implementation groups in nine pilot sites, issues agreed guidance on matters related to the implementation of the European working time directive and assists in the development of local implementation plans.

Each local implementation group includes consultants, non-consultant hospital doctors, nurses and management. These groups have drawn up pilot projects to try to find viable solutions to the difficult issue of reducing hospital doctors' hours. Suggested projects have been brought before the national implementation group for consideration. It is expected that many of the suggested projects will be up and running in the near future, with the full backing of all of the stakeholders.

*Additional information not given on the floor of the House.*

The data gathered from this exercise will help to determine how we begin to reorganise services over a 24-hour day to maintain high quality patient care while achieving compliance with the directive.

Service in our hospitals has not been adversely affected by the implementation of the working time directive. I am confident the implementation of this directive, and the introduction of new non-consultant hospital doctors and consultant contracts, will greatly improve service provision generally and hospital care in particular.

**Dr. Twomey:** Twelve years after this directive was first mooted, we will now get nine pilot schemes which will not even reduce the non-consultant hospital doctors' hours to the level expected by 2004. Hence, in order to reduce Members' concerns about the impact on the health service in the coming years, what is planned? The Tánaiste mentioned Canada. If we want to establish a consultant-led service, how many Irish graduates are available to return? Does she have any plans to instigate measures similar to those used for decentralisation, that is,

to go worldwide in an attempt to gauge how many people might be available? This could even include junior doctors, who are engaged at present in the discussions regarding the European working time directive. How many people might wish to return to Ireland as consultants? It would be useful to know what specialties are available, so we could gauge whether it will be possible to move to a consultant-led service within the next two to three years.

**Ms Harney:** I do not have an answer to Deputy Twomey's question, unless one takes into account the experience in respect of the seven recent consultant appointments in Blanchardstown. I understand all the appointees came from overseas, mainly from the United States. There are many Irish doctors in the United States, Canada and other countries and many of them might be attracted home. However, much would depend on the new contract of employment as well as the consultants' possible locations. Clearly, the reduction in working hours for the non-consultant hospital doctors will only be successful when they are replaced by consultant-led services. We will then have an appropriate system of health care delivery. One cannot have one without the other, and the sooner we can begin to recruit such consultants, the better.

This is particularly true if we want to provide facilities at a regional level. For example, some regions have no plastic surgeon, possibly only one dermatologist, as well as significant gaps in rheumatology. Until we secure a better contract of employment which is more cost-effective from the health system's perspective, we will be unable to substantially increase the numbers of consultants. The two go hand in hand and I hope the negotiations can be concluded quickly.

### **Vaccination Programme.**

9. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children the cost to the State of introducing a free flu vaccine; and if she will make a statement on the matter. [8608/06]

**Ms Harney:** Information provided by the Health Service Executive indicates that the total cost to the State of introducing free influenza vaccinations for the entire population would be more than €160 million a year, based on certain assumptions about the cost of the vaccine and GP fees.

However, vaccination for the entire population against seasonal influenza is not currently recommended and there would be serious questions about the cost effectiveness of such an approach.

Currently, the seasonal influenza vaccine is available free of charge from general practitioners to medical card holders and holders of GP visit cards who are deemed to be at risk of serious illness as a result of contracting the dis-

ease. While persons in the at-risk group who do not have a medical card or a GP visit card can obtain the vaccine free of charge, the fee for administering the vaccine in such cases is a matter between the general practitioner and the patient. The at-risk groups include persons aged 65 years or older, those with specific chronic illness such as chronic heart, lung or kidney disease, and those with a suppressed immune system.

*Additional information not given on the floor of the House.*

The question of extending the immunisation categories is kept under review by the national immunisation advisory committee.

**Mr. Gormley:** I thank the Tánaiste for her reply. What is the uptake among the at-risk group to which she referred? As for the vaccination of those with medical cards, can the Tánaiste provide an estimated cost to the State at this time? What company supplies the vaccine to Ireland? Has the Tánaiste any data in respect of adverse effects among those who have availed of it?

**Ms Harney:** I understand the WHO recommends there should be an uptake of 75% among the at-risk groups. It recommends that this target should be achieved by 2010. I am sorry not to have uptake figures and I will try to acquire them for the Deputy. I also lack data pertaining to adverse effects. While I am told the vaccine is effective in up to 90% of cases, I do not know what the adverse effects might be.

**Dr. Twomey:** They are minor.

**Ms McManus:** I am not aware of any significant adverse effects. Those who are between 66 and 70 years' old and who are above the medical card threshold find that it is the luck of the draw as to whether their doctor charges them. Some are deterred from getting the flu vaccine because their doctors sometimes charge them the full amount. Surely the Minister accepts that it would actually be cost-effective to ensure that the group in question can have the flu vaccine free? I mean both the vaccine and the doctor's visit. Does she not appreciate that in terms of protecting accident and emergency units from overuse, it would be helpful to permit those who are 66 years old and older people to avail of the flu vaccine without being obliged to incur any cost?

**Mr. Gormley:** I want to find out exactly how much that would cost. That might be interesting.

**Caoimhghín Ó Caoláin:** My question concerns the free flu vaccine which has already been offered to those in the poultry sector. This was an initiative launched by the Tánaiste before Christmas. What level of proactivity was

[Caoimhghín Ó Caoláin.]

employed by the Department in promoting its uptake by those who are involved in the poultry sector and their families, as well as by those numerous categories of people who were listed in response to a question I raised on the Adjournment in this regard? If I remember correctly, the question was taken by the Minister for Arts, Sports and Tourism, Deputy O'Donoghue. Can the Tánaiste advise on the uptake by those involved in the poultry sector? Was a particular effort employed in those areas of the State in which poultry farming constitutes a significant part of the local agricultural practice? These are extremely important points because, as Members are aware, if avian flu presents, it is critically important to prevent it mixing with traditional flu, thus creating a new pandemic. This is a possibility and the risk is even greater than when I first asked these questions. Can the Tánaiste provide the House with an update in this respect?

**Ms Harney:** I am not in a position to give Deputy Ó Caoláin an update. As for the cost of extending free vaccinations to the group referred to by Deputy McManus, as we have seen in respect of the over-70s medical card, if one announces that something will be made available to a class of citizen by virtue of the class rather than on the basis of economic circumstances, one ends up paying substantially more for it. However, if it were to be paid for on the basis of the current free scheme, it would probably cost approximately €20 million. The vaccine costs €4.45 per dose and there would be a medical fee of €34.43.

**Ms McManus:** That is good value and is worth doing.

**Ms Harney:** We might give consideration to the measure, especially if we could deliver it at a cost of €19 million. However, I suspect that were we to take such an approach, it would cost much more to include the group in question. Clearly, our aim is to have a 70% uptake among the at-risk group by 2010, which has great benefits. Members are all aware, from their experiences with elderly people, that those who receive the flu vaccine are less likely to encounter winter complications. It is highly successful.

**Caoimhghín Ó Caoláin:** Has the Tánaiste anything at all to say regarding the scheme she introduced before Christmas for the poultry sector?

**Ms Harney:** If it is in order, I will return to the Deputy on this matter.

### Health and Safety Regulations.

10. **Ms Enright** asked the Tánaiste and Minister for Health and Children the procedures which are

in place to protect patients and visitors to hospitals under the health and safety regulations; if her Department has had discussions with the health and safety authority regarding the possible exposure to litigation by patients or visitors under the Safety, Health and Welfare at Work Act 2005 if they feel they have been exposed to hazards by the action of Health Service Executive employees; and if she will make a statement on the matter. [8370/06]

**Ms Harney:** All employers, including the Health Service Executive and hospitals, are obliged to adhere to the requirements set out in health and safety legislation and to ensure the safety, health and welfare of their staff. Hospitals must also ensure that patients and visitors are not exposed to risks to their safety, health and welfare.

Under existing legislation any hazards must be risk assessed and appropriate control measures put in place to eliminate the hazard or, where this is not possible, reduce it as far as reasonably practicable. It is also open to the Health and Safety Authority to make the necessary inquiries or carry out such inspections as it deems necessary to verify the compliance of any employer with existing legislation.

In 2005 the HSA wrote to the chief executives of all hospitals with A&E departments. This letter required the hospital chief executives to ensure that a comprehensive written risk assessment was prepared, in accordance with the Safety, Health and Welfare at Work Act. The Health and Safety Authority has urged all those working in hospitals to have due regard for their own safety and that of others and to liaise with their safety representative and management to ensure all risks have been addressed. The national hospitals office of the Health Service Executive has in place a standard operating procedure for risk assessment in A&E units. This procedure deals with any hazard that could cause harm to staff, patients, clients or visitors occurring at any time and in any location within A&E units.

The Health Service Executive is responsible for implementing procedures to protect employees, patients and visitors to hospitals under all the health and safety legislation. I understand that in 2006 the Health and Safety Authority is continuing its work relating to the potential risks to safety, health and welfare of hospital workers and has written to the Health Service Executive recently in this regard. There are obvious synergies between employee health and safety and patient safety. The issues involved cut across a number of agencies including the Health Service Executive, Health and Safety Authority and possibly the health and information and quality authority, HIQA, when it is established. My Department will have a role in ensuring a coherent

approach has been taken at a national level by the various public agencies involved.

**Dr. Twomey:** This refers to a recent parliamentary question which stated the Health and Safety Authority is focusing on the existence and implementation of a comprehensive infection control policy. I seek a bit of background on this. What we are focusing on here is the significant increase in cases of MRSA, the increase in cases of tuberculosis — a recent report stated there were 300 cases in Dublin alone — and the increase in cases of hepatitis B. While we have identified there is a problem to some degree, has the HSE any plans to help hospitals, nursing homes and other care settings to draw up these site-specific risk assessments for their institutions and to identify and correct the problems because the road the HSA is going will either close these institutions or expose them to massive amounts of litigation?

We know the biological agents within the health service that have gone out of control. We are not talking only about the baseline hospital acquired infections but about how they have gone out of control. Apart from the hygiene audit, has the Tánaiste and Minister for Health and Children any plans in place to assist facilities within the health service to draw up these risk assessments and to give the resources to correct the difficulties identified? For example, a decade ago hospitals stopped swabbing hospital workers to see if they had MRSA and therefore workers and patients have been probably more exposed to MRSA. I want to know what progress she has made in moving this matter of hygiene on a little.

**Ms Harney:** First, by way of clarification, there is no outbreak of tuberculosis. The report mentioned in newspapers today is three years old and the figures mentioned are for a five-year period.

I recently communicated with Professor Drumm on MRSA in hospitals and on informing patients and putting strategies in place. It is the intention of the HSE — it is currently doing this in some cases — to work with hospitals one by one on the issues that arose in hygiene. Of course hygiene has a part to play and hand-washing has a part to play, and so to has appropriate prescribing of antibiotics and isolation facilities. A host of issues arise. The intention is that the HSE will work with the hospitals on these issues.

This morning Deputy Ó Caoláin asked me about visiting hours. It is not a matter for me to decide hospital visiting hours and we certainly will not introduce legislation in that regard, but the best hospitals in the world restrict visiting, except in the case of terminally or seriously ill patients where clearly one would want their families to have access. Many hospital employees, and indeed patients I know from my circle of friends and acquaintances, have told me that if

one is sharing a room with others in hospital and there are visitors constantly in the ward, it is difficult to get the required rest. The more we can control visiting times in hospitals, the better. In addition to the issues for staff and patients, there are also significant issues from a hygiene perspective.

**Caoimhghín Ó Caoláin:** I welcome the reference by the Tánaiste and Minister for Health and Children, Deputy Harney, to the earlier question I put to her. While that may be the experience in the circle of acquaintances to whom she has spoken, would she recognise that others may have a very different experience and that the visiting opportunities of people is an integral part of the curative process of those who are ill and hospitalised? Real concerns are being expressed, particularly, in the cases I have noted, by family of older long-stay patients. This is causing great concern.

There is every argument for particular straightening of visiting opportunities but restrictive curtailment on the back of the MRSA issue — the two are linked — suggests that visitors were the cause or the most significant contributing factor to the presence of MRSA in hospitals. That is not the case, and it is dumping on visitors. Visitors are an integral part of the address of any illness that a hospital patient may present with. It is simply not acceptable to look to that as the panacea for MRSA or to distract from the other major contributory causes such as the standards of cleanliness, upkeep and maintenance. I appeal to the Tánaiste and Minister for Health and Children to look again at this. It is the wrong course to take.

**Mr. Gormley:** The Tánaiste and Minister for Health and Children mentioned the necessity for isolation units. Would she agree with the assessment of Dr. Sam McConkey, an infectious disease consultant at Beaumont Hospital, that the facilities are just not adequate? Can she comment on the fact that two of Dublin's biggest hospitals, St. James's Hospital and Beaumont Hospital, have no isolation units at all?

**Ms Harney:** I am not familiar with Dr. McConkey's observations. First, to refer to Deputy Ó Caoláin's comments, of course I am not suggesting there would not be any visiting but it is unreasonable to have virtually open door visiting from maybe 10 a.m., and sometimes earlier, until 10 p.m. That is difficult for staff but particularly for patients. Certainly in places where patients are sharing rooms, it is extraordinarily difficult.

Policy on patients differs. I remember as a child being in hospital and my parents were told not to come and see me until the end of the treatment, and apparently they looked in the window. Nowadays parents are encouraged to come and stay

[Ms Harney.]

with the children. In the period since I was born the position has changed.

**Mr. S. Power:** Deputy Harney has got over it.

**Ms Harney:** I have got over it. I have forgiven them.

**Mr. Gormley:** I had a similar experience.

**Ms Harney:** Policies change. The new paediatric facilities must provide for parents to stay with the children. Policies change in this area all the time.

Certainly I am told by many people at hospital level, and I know from patients, that there can be difficulties if there is open access. Confining visiting times to particular hours, if that is possible, is in everybody's interests.

Clearly we must do more about isolation facilities. They say the hospital of the future will have single rooms. One can imagine the cost, both in terms of the provision of hospitals of that kind and of the staff implications of such hospitals. I understand that will be the global norm a number of years from now for issues to do with infection and appropriate patient treatment. We are providing increased isolation facilities in new facilities being built and that must be the norm in new facilities.

### Eating Disorders.

11. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if, in view of the warning from St. Columcille's Hospital, Ireland's only obesity clinic, that 500 people are on waiting lists and that it is estimated 30 people will die while on the waiting lists, the steps she will take to aid St. Columcille's Hospital; the measures which will be taken to combat obesity here; and if she will make a statement on the matter. [8548/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The report of the national task force on obesity, Obesity the Policy Challenges, was presented to the Taoiseach in May 2005. The report contains 93 recommendations aimed at tackling overweight and obesity. These relate to actions across six broad sectors: high level government; education; social and community; health; food, commodities, production and supply; and the physical environment. Additional funding of €3 million has been made available to the Health Service Executive to support the implementation of the report's recommendations. The strategic planning and reform implementation of the HSE have approved the following projects to take place this year: expanding the healthy food made easy programme, recruiting four physical activity officers

to target obesity in all settings, providing four specialist community dietician posts for obesity and weight management to support all initiatives, the procurement of equipment for growth monitoring and further progress work with the food service sector on healthy food provision. The HSE has confirmed that additional resources will be allocated to obesity services in St. Columcille's Hospital during 2006. In 2006, the executive will spend approximately €25 million on health promotion, of which approximately €5 million per annum will be spent on measures to prevent obesity. In addition, much of the work of hospital and community dieticians is concerned with the treatment of obesity.

**Ms McManus:** I thank the Minister of State for his reply but he did not address my concerns about the obesity clinic in St. Columcille's Hospital. I presume he has read the statement on his Department's website that 2,500 deaths per year are caused by obesity while a total of 30 people on waiting lists to access treatment die annually. The most recent figure for the waiting list for the obesity clinic in St. Columcille's Hospital is 500. The Minister of State glided over information I sought. Food campaigns are all very well but I asked about a specific obesity clinic and he has replied that the HSE will provide resources. How much? When? In what form?

**Mr. S. Power:** In recognising the seriousness of the obesity problem, we established a task force—

**Ms McManus:** I asked about St. Columcille's Hospital. I do not want a lecture about the obesity task force.

**Mr. S. Power:** The Deputy is the expert on lecturing in the House. She has asked a question and, if she will allow me, I will answer. In recognising the seriousness of the problem, we put in place a task force. It reported last May and, at the end of the year, I announced that, apart from the normal expenditure on obesity programmes, I would provide an additional €3 million to tackle the obesity problem. St. Columcille's Hospital will get some of this money. I cannot give the Deputy a breakdown of how the money will be spent but I will make inquiries and come back to her.

The task force report contained 93 recommendations, of which 24 relate to the health service. Many other areas—

**Mr. Gormley:** How many have been implemented?

**Mr. S. Power:** We are implementing a number of them. A number of initiatives were in place and we are expanding them. We will also implement other initiatives during the year. The

provision of an additional €3 million demonstrates how serious we are about tackling the problem.

**Ms McManus:** The Minister of State promised he would answer the questions I asked and he has not done so. He stated in his original reply that resources would be invested in St. Columcille's Hospital. How much and for what purpose?

**Mr. S. Power:** I do not normally like repeating myself but if it is necessary, I will do so. The Department has provided an additional €3 million to support the implementation of the recommendations in the task force report.

**Ms McManus:** What about treatment?

**Mr. S. Power:** Some of the money will be used in St. Columcille's Hospital. I do not have the breakdown of how that money will be used but, as soon as I have the information, I will forward it to the Deputy.

**Ms McManus:** I thank the Minister of State.

**Dr. Twomey:** I would love to move on the next question, which addresses the €40 million spent on the development plan for the Mater Hospital before it was terminated but I must refer to this issue. There was a significant row earlier about the poor quality of replies to parliamentary questions referred to the HSE. It is a cause of huge concern for Opposition Members. This question is clear. What steps will be taken to aid St. Columcille's Hospital? I am surprised the Minister of State would come into the House and tell Deputy McManus that he will reply to her question at a later date. This is Question No. 11, not No. 44, and it is not as if for some reason we have failed to reach it. I expect an answer regarding how much the hospital will receive or whether it will be given an extra dietician or consultant or more junior doctors. That information should have been provided.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Catherine Murphy — the action the Minister is taking regarding financial provisions for adoptive parents and foster parents; (2) Deputy Costello — that the Minister addresses the discrepancy in the allowance paid to families that have adopted children and families who are fostering children; (3) Deputy Ó Fearghaíl — the need for the Minister to review the operation of the capital loan and rental subsidy scheme; (4) Deputy Cowley — that the Mini-

ster reconsiders providing free health care for the estimated 100 women desperately ill with hepatitis C; (5) Deputy Lowry — if the Minister will remove the cap on community employment participants; (6) Deputy Ó Caoláin — that the Minister responds immediately to the study showing a significant level of TB infection in parts of Dublin city; (7) Deputy Morgan — that the Minister initiates an inquiry into the practice of subjecting women without their knowledge or consent to the procedure of symphysiotomy; and (8) Deputy Gogarty — the need for the Government to order a nationwide audit of domestic gas installations from meter to house.

The matters raised by Deputies Ó Fearghaíl, Ó Caoláin, Gogarty and Lowry have been selected for discussion.

### **Adjournment Debate.**

#### **Voluntary Housing.**

**Mr. Ó Fearghaíl:** I thank the Ceann Comhairle for allowing me to raise this important matter. Voluntary housing has been one of the success stories of the past decade and it is an area of activity with which I am proud to have been involved. We are living in a protracted period of unprecedented levels of housing construction and it is important not to lose sight of the important role played by the voluntary sector. More than 600 approved voluntary bodies manage almost 19,000 housing units under the capital assistance programme and the capital loan and rental subsidy schemes. The capital assistance scheme has been used to great advantage in providing for specialised housing such as sheltered housing and housing for those with special needs, the elderly and so on.

For the most part, the capital loan and rental subsidy scheme is used to address demand in the area of mainstream social housing accommodation. Voluntary housing associations have been established in every county and communities are benefiting from their endeavours. The varied nature of the bodies approved by the Department is interesting, ranging in scale from local conferences of the Society of St. Vincent de Paul or local community councils providing and managing a handful of properties to large associations such as Respond, which has delivered and is managing almost 3,500 units. It is important that Members should recognise, acknowledge and value the contribution of the sector not just to housing provision, but to community building.

I refer to two areas of concern for tenants of properties provided under the capital loan and rental subsidy scheme, namely the need to adjust the rent scheme where it applies at 18% of all household income and the need to introduce a tenant purchase scheme, similar to that available

[Mr. Ó Feargháil.]

to local authority tenants. I have engaged with the Minister of State on this on previous occasions. In raising these issues, I am conscious of a number of relevant points, not least that in many areas, integrated housing developments on the same site are coming on stream involving the local authority, voluntary and private sectors. In addition, a number of councils are engaging the services of voluntary housing associations to deliver their own social housing programmes. Against this background it is important to recognise that those on local authority waiting lists who avail of tenancies from voluntary housing associations do so of necessity rather than by preference in the great majority of cases. If they do not avail of the voluntary association offer, they may often be left waiting indefinitely by their local authority. Consequently, tenants of an approved housing body may live next door, in an identical house, to a tenant of a local authority. Both originated from the same local authority waiting list and both houses are 100% funded by the Exchequer. More often than not, however, the tenant of the voluntary housing association pays a higher rent, as the scheme is fixed at 18% of household income whereas the differential schemes operated by local authorities tend to be more favourable to the tenants of council houses. For example, tenants of the Cill Urnaí housing association at Kilberry outside Athy pay 18% of their household income, whereas tenants of Athy Town Council, just down the road, avail of the differential rent scheme where the rent is based on 15% of the principal earner's income. This is hardly fair. It is something I hope the Minister can review.

The same principle of equity should apply in the area of tenant purchase. Take what has happened at Monasterevin in County Kildare for example. Here, the local voluntary housing association constructed an estate of 28 houses. Twenty of these houses were to be occupied by members of the association, namely, people who had come together some years previously to build the housing scheme with the active support of local community activists. These 20 prospective tenants had an on-going involvement in all aspects of the housing project. When the houses were complete, eight were allocated to tenants of Kildare County Council which subsequently allocated the houses to families from its waiting list, the same list from which the 20 voluntary members came originally.

Despite being involved from the start in the development of the housing scheme, the voluntary housing association tenants cannot avail of a purchase scheme, while their neighbouring council tenants can. To put it more bluntly, those who have used the capital loan and rental subsidy scheme as a self-help initiative have found them-

selves disadvantaged. This is unfair and unjust and requires attention.

While some of the larger voluntary housing associations oppose in principle the concept of a purchase scheme, we must remember that there was once a lobby which opposed the sale of council houses to their tenants. The introduction of a tenant purchase scheme would unleash a new dynamic in the voluntary sector and encourage an even greater level of provision. I urge the Minister to consider this matter.

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** I thank Deputy Ó Feargháil for raising this matter and I welcome the opportunity to outline the ongoing development of the voluntary housing sector and discuss the need to introduce a tenant purchase option. I know of the Deputy's interest and involvement in the voluntary sector and his deep commitment to it.

The provision of social housing by the sector is funded under two separate voluntary housing schemes, the capital assistance scheme providing special needs housing and the capital loan and subsidy scheme which provides family type accommodation. Approved bodies work in partnership with the relevant local authority in providing social rental accommodation. Support for the development of the voluntary and co-operative sector is being continued and this is reflected by the recently increased funding limits I announced and the new arrangements for the sector under consideration.

The capital loan and subsidy scheme is, for the most part, used to fund family type social housing. Rental income is used to defray the cost of management and maintenance and for the provision of a sinking fund to cater for more extensive refurbishment later in the lifetime of a project. Under the terms of the scheme, approved housing bodies are responsible for determining the rent payable by a tenant which is based on household and subsidiary income in the previous tax year. Approved bodies, however, have at their discretion flexibility to modify the application of the rents scheme.

Since the introduction of the capital loan and subsidy scheme in 1991 it has been considered that the sale of individual housing units could undermine the capacity and resources of voluntary housing bodies to manage and maintain their estates and continue to provide further housing projects to meet pressing needs. There are incentives for residents of more than one year's duration who wish to move on and become homeowners elsewhere, but this is not what the Deputy has in mind.

To have maximum impact and to make our housing policy more relevant, the Department published a policy framework document just before Christmas entitled Housing Policy Frame-

work — Building Sustainable Communities. In that document it is proposed 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. As well as expanding the investment programme, the Government will implement a programme of reforms, aimed at improving service and ensuring that social housing is delivered in a way that is fair and efficient. The reforms, including bringing forward the necessary legislation, will involve implementation of a fair rents policy across all social housing tenures.

I have listened to the Deputy and have discussed the matter with him previously. We have brought forward our housing policy framework and are fleshing it out. Later this year we expect to announce a more detailed new housing policy. I have heard what the Deputy wants and suggests and other Members would like to see a tenant purchase scheme in the voluntary sector. We have announced we will do it on a pilot basis for some new schemes and are continuing discussions with the sector. I will examine the Deputy's request and see if we can move forward when we produce our policy document later in the year.

### Infectious Diseases.

**Caoimhghín Ó Caoláin:** I sought this Adjournment Debate on learning of the revelations in a study that shows a significant increase in TB infection in parts of Dublin. This has been highlighted and has caused serious concern. The increase shows the inadequate hospital treatment provision for TB patients in the wake of the grossly irresponsible closure of the chest and respiratory unit, commonly known as the TB unit, at Peamount Hospital. The Government facilitated that closure. There is an urgent need for the Tánaiste and Minister for Health and Children to outline the measures she will introduce to address this threat to public health.

According to the study carried out by Dr. Margaret Hannan, consultant clinical microbiologist at the Mater Hospital, young working Irish men are increasingly at risk of contracting TB. The research looked at all of north Dublin and found evidence that people who had recently picked up the infection were young Irish-born males who were in employment and living in urban parts of Dublin. Margaret Hannan stated: "One of the things we found was that they were all living in certain areas and all drinking in certain pubs. That is indicative of poor TB control in the country and that could be the beginning of an epidemic outbreak."

There were 437 cases of TB provisionally notified in 2004. In 2003, 407 cases were notified and the figure for 2002 was 400. This is a very worrying trend and this is underlined by this latest study. Dr. Hannan has warned that there is a

danger of an epidemic outbreak if urgent steps are not taken to control the disease. She says there is poor infrastructure in Ireland for the management, control and prevention of TB. She also said: "The closure of Peamount has taken away a service that was essential."

When the threat to close the TB unit at Peamount first arose, I wrote to the then Minister for Health and Children, Deputy Martin as follows:

I write to convey my concern at the decision of the Board of Peamount Hospital to discontinue Chest/Respiratory Services. I understand that it is intended that all chest hospital activity will cease from January 2004 and the services will be transferred to St. James Hospital.

You will already be aware that there is grave concern among staff and patients at the proposal to close the long-established and specialised TB ward at St. Ita's, Peamount. I have received very worrying representations from nurses' representatives and from a patient at Peamount. I believe they show clearly the excellent work done in this unit over many years and continuing to this day. There is particular concern that the special care provided to more vulnerable TB patients in Peamount could not be provided if the service is moved to St. James's.

I believe that this is not just a matter for the Eastern Regional Health Authority but, given the central role of Peamount in the treatment of TB in Ireland, is of national importance. Therefore I urge you to intervene directly to have the decision to cease Chest/Respiratory Services at Peamount reversed.

The Minister of State's colleague did not intervene and the unit at Peamount was allowed to close. The promised facilities at St. James's Hospital have not materialised and now we have a study showing an increased threat from tuberculosis. There is concern internationally at new and more virulent strains of tuberculosis. This is a very worrying situation and we are less well equipped today to deal with it than we were three years ago. I call on the Minister responsible to restore the unit at Peamount and to provide a national action plan to combat tuberculosis.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Gabhaim buíochas leis an Teachta. Tá mé ag tabhairt freagra ar son an Tánaiste agus Aire Sláinte agus Leanaí, an Teachta Harney.

Deputy Ó Caoláin has called upon the Minister to act but she would have to embark on consultations with the Health Service Executive to address the issue. The Department has not, as yet, received the report referred to by Deputy Ó Caoláin. The Minister has asked the Health Service Executive to furnish a copy and it will be examined by the chief medical officer of the Depart-

5 o'clock



[Mr. B. Lenihan.]

ment upon receipt. However, I understand from the executive that the data used in the report referred to by the Deputy is a number of years old. I and the Health Service Executive would like to reassure the public that there is no outbreak of tuberculosis in the north inner city area of Dublin and that there are no major concerns in this regard.

The Health Act 1947 and the Infectious Diseases Regulations 1981, as amended, provide the legislative basis for the control of infectious diseases, including tuberculosis, in Ireland. The Department's strategy in the prevention and treatment of tuberculosis is guided by the recommendations of the report of the working party on tuberculosis, published in 1996, which covers a wide range of issues, including epidemiology, surveillance, screening, preventative therapy, clinical management and laboratory diagnosis. Responsibility for the implementation of the recommendations rests with the Health Service Executive.

The future organisation and delivery of respiratory and tuberculosis services was examined by Comhairle na nOspidéal in a report published in July 2000. This report found that, in line with major advances in medical treatment, the optimal inpatient care of patients with respiratory diseases, including tuberculosis, is more appropriate to acute general hospitals, staffed by consultant respiratory physicians and other consultants and supported by an array of investigative facilities. While recognising the valuable role which Peamount Hospital had played for many years in the delivery of respiratory services, Comhairle na nOspidéal did not regard it as an appropriate location for the future treatment of tuberculosis patients, especially those requiring ventilation and specialized treatment for other illnesses, for example heart disease, HIV and so forth.

Comhairle na nOspidéal subsequently appointed a committee to advise on the implementation of the 2000 report. The report of this committee endorsed the recommendations in the 2000 report and it was adopted by Comhairle na nOspidéal in April, 2003. Specifically, the committee recommended that Peamount Hospital should play an active role in the provision of a range of non-acute support services, including pulmonary rehabilitation, within the Health Service Executive south western area. For example, it recommended that patients who have been treated in the nearby St James's Hospital and other major acute hospitals and who require ongoing rehabilitative care could be transferred to Peamount Hospital for completion of their care. In addition, three specialist tuberculosis beds for multi-resistant and complex tuberculosis patients are due to open in the coming weeks in St. James's Hospital.

The Health Service Executive eastern regional area established a working group on tuberculosis services in the eastern region and respiratory services in the Health Service Executive south-western area. The group examined the options for the future management of tuberculosis, both acute and non-acute, in the eastern region. It also addressed and identified other respiratory services that might be appropriately delivered in Peamount Hospital, taking account of best practice. The group consisted of a respiratory physician, a specialist nurse and the director of nursing from Peamount, a management representative from the hospital, general practitioners, a public health specialist and an accident and emergency representative. The group reported to the Health Service Executive eastern region in early 2005. It endorsed the recommendations of the working party report of 1996 and the subsequent Comhairle na nOspidéal report.

#### **Natural Gas Network.**

**Mr. Gogarty:** Having raised the issue of Peamount Hospital on a number of occasions, this report needs to be examined in detail because there is an issue regarding the treatment of chronic, recurrent sufferers of tuberculosis as opposed to those who would tend to present in St. James's Hospital. However, there are a number of national issues of concern and I have given a commitment to raise a different one.

I ask the Ministers of State, Deputies Killeen and Brian Lenihan, to urge the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to arrange for an audit of every domestic gas installation in the country, particularly those connected by Bord Gáis Éireann, at least from the meter to the house. That might sound like a massive undertaking but if it is not done, the Government could be guilty of failing to prevent unnecessary gas explosions which could occur anywhere in a grotesque lottery of death. Information has been brought to my attention in this regard and I would like to see immediate action.

Just over a year ago, on 3 February 2005, I highlighted the issue of the certification of people who install natural gas systems and the need to have accredited professionals working in this area. I referred to issues regarding the types of flux used, some of which corrode gas pipes, and the need for people working with such material to know exactly what they are doing. The Minister of State at the Department of Health and Children, Deputy Brian Lenihan, in his reply, promised that an energy miscellaneous provisions Bill would be published and the matters raised would be dealt with in that context.

In reply to parliamentary questions I tabled, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, indi-

cated that the new legislation would provide for a scheme of regulation specifically aimed at gas installers. Such a scheme is supposed to ensure that all future work on natural gas fittings will conform to the appropriate standards and make it unlawful for any person who is not a certified natural gas installer to work on a natural gas fitting. We still await that legislation and I urge the Minister of State, Deputy Brian Lenihan, and the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to bring it forward at the earliest opportunity. However, I will take their word in good faith that they will deal with the matters I raised previously.

There is now a more pressing issue with regard to natural gas installations. I contend, having spoken to a number of experts in this field, that there is an urgent need to carry out an audit of our domestic gas network to ensure that pipe work and other equipment adheres to the highest international standards, that a proper certification system is in place for the people installing and repairing gas systems and, most importantly, that the clear and present risk to residents using natural gas is minimised before an avoidable tragedy occurs owing to defective equipment being installed in many homes. Defective equipment has been installed in many homes.

In my constituency one of the fastest growing towns in the country, Lucan, has tens of thousands of new dwellings. In Dublin Mid-West, including Lucan and Clondalkin, there are tranches of new houses, all of which had gas systems installed, generally just after the houses were purchased. Until recently, the body responsible for connecting the gas was Bord Gáis Éireann. Now I believe, and the Minister of State can correct me if I am wrong, private contractors are doing this work, which removes liability from Bord Gáis Éireann but does not remove the issues related to safety.

For the tens, if not hundreds of thousands of installations connected by Bord Gáis Éireann over the years an issue has come to light with regard to the insulation of the gas pipe work, even that small section going from the meter to the house. If even one inch of gas pipe work is left exposed, without insulation but under concrete, it will corrode over time. Concrete is a highly corrosive material and if the pipe corrodes, the gas will travel out the quickest way possible. Sometimes it will go into the house, other times it will travel up sewage pipes. The nature of gas is such that it needs to rise to the surface and when gas builds up to certain levels, at a given temperature and within a specific space, it can lead to an explosion.

There are a large number of gas pipe work installations that are not properly insulated because they have been done shoddily. Bord Gáis Éireann is responsible for this, as are the building contractors. I have a number of documents, one

of which indicates non-conformance for a gas pipe to a gas fire, with the pipe not protected against corrosion. I have another user safety notice for a gas pipe where the meter entering the house is not protected against corrosion. These are just examples of tens of thousands of installations throughout the country that are not protected against corrosion. If only one of those houses has a gas leak because of this corrosion and it leads to an explosion that kills one person, that is one person too many. Every installation, particularly from the meter to the house and possibly inside the house, where appropriate, needs to be looked at as a matter of urgency before someone dies as a result of negligence.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):**

I am taking this Adjournment debate on behalf of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey. I welcome the opportunity to speak on this matter. I fully appreciate Deputy Gogarty's motivation for raising this issue, as the safety of domestic natural gas consumers and the public in general is of paramount importance. However, the Minister has been advised by the Department's chief technical adviser and by Bord Gáis Éireann that as the pipeline contains gas not a liquid, there is no requirement for thermal insulation on any pipework from the meter to the house. The Minister has been advised that the lack of insulation has no implications for the safety of installations.

Having said that, the Minister wholeheartedly agrees that it is necessary that we as legislators and public representatives ensure that safety is placed high on the political agenda. In that context, I advise Deputies that the Government has this week approved the publication and initiation in this House of the Energy (Miscellaneous Provisions) Bill 2006. Among the provisions of the Bill are, *inter alia*, expanding the functions of the Commission for Energy Regulation to include: the regulation of the activities of natural gas undertakings and natural gas installers, with respect to safety; the promotion of natural gas safety; consultation with the National Standards Authority of Ireland regarding gas safety standards; and the establishment and implementation of a natural gas safety framework.

The natural gas safety provisions will empower the Commission for Energy Regulation to direct natural gas undertakings to advise their customers and the public as to natural gas safety and regulate the standards of training of gas installers in regard to gas safety. The Minister looks forward to the support of Deputies in bringing the Energy (Miscellaneous Provisions) Bill to enactment when introduced to the House.

I will detail, for the benefit of the House, the statutory remit of Bord Gáis Éireann in regard to

[Mr. Killeen.]

gas safety which will give more assurance as to the robust nature of the safety regime. Under its parent legislation, the Gas Act 1976, Bord Gáis Éireann is required to have regard for such safety requirements as are, in its opinion, necessary for the transmission and distribution of natural gas. Further functions were conferred on Bord Gáis Éireann under SI No. 238 of 1987, made under section 2(1)(c) of the Gas (Amendment) Act 1987 to ensure the safety of the public. Article 8 of that order requires that Bord Gáis Éireann refuse to supply gas, or refuse to continue to supply gas, if it is of the opinion that it would give rise to an abnormal risk affecting safety. The order also obliges Bord Gáis Éireann to exercise at all times the practices and standards of a prudent gas undertaking and to have regard to relevant international standards and practices. The standards in use in Ireland are consistent with the latest relevant CEN, European Committee for Standardisation, and ISO, International Organisation for Standardisation, standards.

Bord Gáis Éireann has established a comprehensive safety assurance programme, which enables the company to meet its obligations with respect to safety under this legislation. Gas is supplied only to installations that meet the requirements of this programme, one of which is that the installer has demonstrated the necessary competence in safe installations by completing the relevant FÁS course or holding an equivalent qualification. For quality assurance purposes, a quota of installations is inspected randomly after natural gas has been supplied. Where an installation is completed by an installer who is not registered with Bord Gáis Éireann, a mandatory inspection must take place before Bord Gáis Éireann will supply gas to the premises. This system is regularly audited.

The gas safety provisions in the Energy (Miscellaneous Provisions) Bill will provide a statutory underpinning for this safety programme. It will also create an offence where certain works relating to gas installations are carried out by unregistered installers leaving such installers open to prosecution and the full rigour of the law.

Such new and important safety measures underline the Government's commitment to further enhancing the safety of natural gas consumers and the public and ensuring that Ireland continues to meet international best practice in regard to natural gas safety.

**Mr. Gogarty:** How can that happen because of the concrete? Will that be dealt with?

### **Community Employment Schemes.**

**Mr. Lowry:** I welcome the opportunity to raise this important issue which is affecting participants and sponsoring groups the length and breadth of

the country. Since its introduction in November 2004, the Government policy of capping FÁS community employment schemes has led to the termination of placements for hundreds of participants in County Tipperary. It is expected that 700 community employment workers will effectively be made redundant in Tipperary before the end of this year.

I urge the Minister to take immediate steps to remove this draconian and unnecessary cap on the scheme. Given the healthy state of the economy, using community employment participants as a cost saving to the State is unjust, unfair and an example of the downright meanness displayed by the Government. It is an abuse of power against these vulnerable people.

The participants on community employment schemes are involved in completing valuable work for the community. Many community groups, sporting organisations and tidy towns committees, could not undertake their worthwhile projects were it not for the crucial assistance of community employment participants. The scheme has played a very important role in improving community life across Tipperary and it is astonishing that the Minister for Enterprise, Trade and Employment, Deputy Martin, is determined to close down community employment schemes by stealth. As a result of this clampdown, many talented and deserving people will lose the opportunity to contribute to their communities in a meaningful way. Local communities are losing out on important and desirable schemes.

Many participants work in the community as personal assistants to severely disabled people. They work with young and old alike, they work in sports clubs, town councils, community development groups, in fact, the list is endless. It is a shameful indictment of this Government that community employment participants are underestimated, under-valued and under-appreciated by the Minister and the Government.

Fianna Fáil and the Progressive Democrats want to bring the hatchet down on community employment schemes without even a thought for the needs of either participants or the sponsoring projects. For the thousands of community and voluntary groups the removal of participants and the closure of schemes is a devastating blow. Groups are relying on community employment schemes to provide a level of staffing for certain tasks. If the Government is so intent on ending community employment schemes, an alternative source of staffing for community and voluntary groups will have to be found and funded by the Government.

The Minister should be aware of the impact of the capping policy on schemes in Tipperary. For example, in Annacarty the community employment scheme had 12 participants, but when the Minister, Deputy Martin, is finished with his axe it will be halved to six. The Clonoulty-Rossmore

scheme had 16 participants but has been reduced to ten. The scheme operating in Cappawhite and Hollyford had 20 participants but with these savage cutbacks it will be reduced to ten. In south Tipperary, 82 people were effectively made redundant in January. Another 150 will lose their place on a scheme at the end of March. In total more than 300 people will lose a place on a community employment scheme in south Tipperary by the end of this year. In north Tipperary, during the course of the next 12 months, 411 people will lose these places on schemes. These staggering figures mean that community employment scheme numbers in County Tipperary will be more than halved before the year is out.

I have received numerous calls from community employment participants, many in their early or late fifties, who have been informed they are no longer needed on a scheme. Community employment schemes in Glengoose, Rathcabbin, Killenaule, and all across Tipperary are losing participants each week. It is outrageous that men and women who have served the community well on these community employment schemes are effectively being forced to retire early. These people feel there is little prospect of their getting any form of meaningful and productive employment.

Several of those who contacted me outlined that they had no transport of their own, and given their age, felt they had little hope of getting any other form of employment in the area. In the increasingly competitive marketplace, many people on community employment schemes have told me the scheme is the only form of work available to them.

There are schemes in Tipperary facing such uncertainty that some supervisors have informed me that their schemes could close before the end of the year. No scheme in Tipperary should be closed, wound down, or have participant numbers reduced. I urge the Government to immediately abolish the current policy of capping the number of years a person can participate on a community employment scheme and I seek the Minister's commitment that those participants affected will be swiftly reinstated.

Immediate changes must be made to the scheme to bring to an end the policy of capping. I urge the Minister to immediately reinstate those affected by this nonsensical capping rule. I further urge that if the community employment scheme is to be abolished by stealth, as current policy and practice would suggest, the Government should provide funding for an alternative source of staffing for the thousands of community and voluntary groups that have been adversely affected by this ridiculous capping policy.

**Mr. Killeen:** The primary purpose of community employment as an active labour market programme is to reintegrate long-term unem-

ployed persons into open labour market jobs. CE provides unemployed people with temporary opportunities whereby they can develop their skills and obtain a recent track record of work experience.

FÁS continues to develop the content of the CE programme. The new approach involves the introduction of an individual learner plan process focused on meeting the learning needs of participants. The individual learner plan provides for the planning, organising and recording of the work experience, training and development that each participant receives while working on CE. It also includes further training and development for supervisors, a new application process and quality assurance procedures. The new approach should provide substantial benefits to FÁS clients and give increased value for the training budget invested.

In 1999 the community employment programme was restructured to limit participation by new participants to three years, with effect from April 2000. This change was introduced to encourage unemployed persons to progress to training, education and employment where possible. However, this three-year cap was amended in August 2001 to allow particularly disadvantaged persons to remain on the programme for a further period. In general, approximately 20% of participants, including persons less than 55 years of age, have benefited from an additional year on the programme under the flexibility guidelines introduced in August 2001.

On foot of a review of FÁS employment schemes, which included detailed consultations with social partners, the Minister for Enterprise, Trade and Employment introduced changes to community employment and other employment schemes with effect from 10 November 2004. The change to the community employment programme removed the three-year cap for persons aged 55 or older. This change means that over-55s are now eligible to participate on community employment for a maximum of five years. In the case of persons advancing beyond 55 years during their normal period of service on CE, participation can also be extended for up to a maximum of six years. The new arrangements were designed to address the particular difficulty of finding replacements to participate in community employment schemes in certain rural areas. They also help to secure the continuity of community services generally.

Combined with the rural social scheme, under the aegis of the Minister for Community, Rural and Gaeltacht Affairs, which provides 2,500 places, the existing community service support framework is therefore being maintained. The current ring-fencing and prioritisation procedures for the essential services of child care, health related services and drugs task force clients are also being maintained. For those aged under 55,

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the normal service of up to three years maximum has continued to apply, subject to the current flexibility guidelines I mentioned earlier which allow for an additional year of participation. The continuation of ring-fencing and the extended participation on CE by older workers help to secure the continuity of community services generally and ensure that the existing community service support framework will be maintained.

In addition to the changes introduced on CE, it was also announced in November 2004 that participants remaining on job initiative will have their contracts renewed annually. Participants who leave the programme voluntarily are, where practicable, replaced by CE participants to support the service being provided. It was also announced that 25,000 places would be available annually on FÁS employment programmes which

comprise community employment, social economy and job initiative. The figures at the end of last year showed that the total number of places on the three programmes was approximately 26,000. The Department of Community, Rural and Gaeltacht Affairs has recently taken over responsibility for the social economy programme which has been renamed the community services programme.

This Government will continue to support the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard, we are keeping the operation of the community employment scheme under constant review.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 7 March 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 11, inclusive, answered orally.*

### Hospital Services.

12. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason the Mater and Children's Hospital development plan proceeded to the point of tendering for the development when a major flaw regarding the development of tertiary children's facilities stopped the project; and if she will make a statement on the matter. [8356/06]

17. **Mr. McEntee** asked the Tánaiste and Minister for Health and Children the reason the Mater and Children's Hospital development plan was put on hold so late into the development when it was clear that the transfer of Temple Street Hospital onto the Mater Hospital site was in the plans from the beginning; and if she will make a statement on the matter. [8357/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 12 and 17 together.

On 3 February last, the Health Service Executive published a report, prepared by McKinsey & Co., on the delivery of tertiary paediatric services in this country. This report was commissioned by the HSE at my request in the context of decisions to be taken on the possible relocation of the facilities at Our Lady's Hospital for Sick Children, Crumlin, and of ensuring that paediatric services are provided in the most efficient and effective manner.

The Mater-Children's University Hospital project was planned a number of years ago with a view to significantly improving the facilities for patients and staff at both hospitals. It was envisaged at that time that paediatric secondary and tertiary services could appropriately be provided at more than one location. However, it is clear from the recent McKinsey report that current best practice suggests that best outcomes for children should be provided by one national tertiary paediatric centre which would also provide all secondary paediatric services for the greater Dublin area.

Arising from the recommendations, a joint HSE-Department of Health and Children task group has been established to progress matters and to advise on the optimal location for the new facility.

The conclusions of the task group will clearly have implications for the scope of the Mater-

Children's University hospital project and will inform decisions in relation to how that project is to be advanced. My primary concern is to ensure that we arrive at a solution which is in the best interests of the children of this country.

### Health Levy.

13. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the cost to the State of the elimination of the 2% health levy for the new over-70s medical card; and if she will make a statement on the matter. [8602/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The health contribution was introduced by virtue of the Health Contributions Act 1979 and came into effect on 6 April of that year. The contributions are levied on income at a percentage rate set in pursuance of the Health Contributions Act and proceeds are paid to the Minister for Health and Children in aid of the Vote for the Health Service Executive. The current rate of contribution is 2% of gross income. The levy is applicable to all persons over the age of 16 with reckonable income, earnings or emoluments. However, certain persons are exempt from liability to pay the health levy, including those who have full eligibility for health services, that is, medical card holders under section 45 of the Health Act 1970.

Following the announcement in budget 2001 to grant full eligibility to those aged 70 and over, and the subsequent amendment of section 45 of the Health Act 1970, these people became exempt from paying health contributions. The cost to the Exchequer of including people who possess over-70's medical cards in the exemption from paying the health levy amounts to approximately €15 million per annum.

### Organ Retention.

14. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the action she intends to take arising from the publication of the Madden report into organ retention; when she intends to introduce the long promised human tissue legislation; and if she will make a statement on the matter. [8556/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Madden Report on Post Mortem Practice and Procedures contained 50 recommendations. Some of the recommendations, such as the formulation of human tissue legislation, are a matter for my Department. Others, such as an audit of organs retained in hospitals, are a matter for the HSE, and others fall under the aegis of other agencies, for example, the coroners legislation, is a matter for the Department of Justice, Equality and Law Reform.

My officials have met officials from the National Hospital Office, NHO, and have agreed that a national implementation group will be set

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up by that office to oversee implementation of the recommendations in the report. This group, on which my Department will be represented, will hold its first meeting before the end of this month.

As recommended in the report, I am establishing a working group to examine issues pertaining to non-paediatric post mortems, that is, babies who died before or at birth, minors and adults. I have asked Dr. Madden to chair the group and will be announcing the full membership shortly.

In relation to legislation, Dr. Madden's report recommended that "communication and authorization are vital, and must be enshrined in legislation". My officials, in consultation with key agencies, are examining the gaps in Irish legislation and they have started work on drafting legislation to address these gaps.

The heads of a Bill for a new coroners Act have been prepared by the Department of Justice, Equality and Law Reform. That Department is examining the implications, if any, Dr. Madden's recommendations will have for this legislation.

EU Directive 2004/23/EC relating to standards of quality and safety of tissues and cells for human application must be transposed into Irish law by 7 April 2006. The regulations that will transpose the directive will deal with the donation of tissues and cells to another living person, but not with procurement or donation for research or clinical investigation.

#### **Departmental Properties.**

15. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the properties in the mental health service which have been sold in the lifetime of the present Government; and if she will make a statement on the matter. [8372/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the Deputy may be aware, the former health boards had the capacity and authority to dispose of lands and assets which were deemed to be surplus to requirements as alternative facilities were acquired and commissioned.

The HSE now has a centralised function within its finance directorate which manages the entire estate and is responsible for the acquisition, maintenance, life cycle management and disposal of HSE assets.

My Department has been informed that in order to retrieve the complete information requested, the HSE will need to examine the decisions of each former health board and review the minutes of the property and finance committees of all of the former health boards. However, my Department has also been informed that information available to the HSE finance directorate at this time indicates that there was no land sold in the former North Eastern Health Board,

Midland Health Board, North Western Health Board and East Coast Area Health Board during the lifetime of the Government. Lands sold in the former South Western Area Health Board's mental health services were Coolmartin House, Auburn House and St. Loman's Hospital, Palmerstown. The HSE will reply directly to the Deputy as soon as all the information requested by him has been compiled.

#### **Cancer Screening Programme.**

16. **Ms Harkin** asked the Tánaiste and Minister for Health and Children if she will reconsider the offer made by a clinic (details supplied) in County Galway on 11 February 2003 to provide BreastCheck screening in the interim; if, in view of the fact that her Department's reasoning at the time was that it operated in analog not digital, this is the perfect interim solution given that her Department operates its BreastCheck screening by digital mode and that BreastCheck will not be up and running until 2007 and the screening cycle will not be completed until 2009; and if she will make a statement on the matter. [8504/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I recently met with representatives of BreastCheck and they are fully aware of my wish to have the programme rolled out nationally as quickly as possible. For this to happen, essential elements of the roll-out must be in place including adequate staffing, effective training and quality assurance programmes. I have made additional revenue funding of €2.3 million available to BreastCheck this year to provide among other things for the early recruitment and training of staff. BreastCheck is confident that the target date of 2007 for the commencement of roll-out to the west will be met; a more exact date for roll-out will depend on the availability of adequately trained medical and technical staff, particularly radiographers. BreastCheck recently interviewed for a clinical director for the west and is in the process of making an appointment. BreastCheck is also recruiting radiographers and a second consultant radiologist. BreastCheck also recently received planning permission for the static unit at University College Hospital Galway and is now proceeding to tender for the construction of this unit.

Any proposal received by BreastCheck to support the roll-out of its screening programme is carefully examined to assess the extent to which it complies with existing standards. BreastCheck has advised my Department that it has engaged in extensive discussions with the clinic referred to by the Deputy. BreastCheck has conducted an evaluation of this proposal and has concluded that it would not be in a position to provide a population based screening programme in line with BreastCheck service standards. Discussions are ongoing involving BreastCheck and the clinic concerning other options which might enable the

clinic to contribute to the introduction of the programme in the west.

BreastCheck has evaluated a number of full field digital mammography systems and has decided that full digital imaging will be used in the roll-out.

*Question No. 17 answered with Question No. 12.*

### Health Service Executive Accounts.

18. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children the action which has been taken arising from the discovery of a €56.4 million error in the accounts of the Health Service Executive reported to Dáil Éireann on 25 January 2006; the further action which has been taken to rectify the error; if she has satisfied herself that appropriate accounting arrangements are now in place within the Health Service Executive; and if she will make a statement on the matter. [8558/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** In compliance with the Department of Finance reporting requirements, the Health Service Executive, HSE, provided its best estimate of the end year forecast of Exchequer issues for 2005 on 22 December 2005. This indicated a projected saving of nearly €12 million on non-capital spending and a projected saving of just over €56 million on capital spending. The projected capital saving had previously been identified to the Department of Finance and was included in the Appropriation Act 2005 as a capital carryover from 2005 to 2006.

Subsequent figures submitted by the HSE to my Department on 17 January 2006 for the December 2005 returns to the Department of Finance showed an excess of €53 million on non-capital spending and a saving of over €57 million on capital. On the basis of these figures, nearly all the capital savings would be required to offset the excess on non-capital spending. Accordingly, the Minister for Finance made no provision for a capital carryover for the HSE in the 2006 Revised Estimates for Public Services and public capital programme.

The figures provided in January are subject to further revision and the final 2005 figures will be confirmed when the HSE finalises its annual Appropriation Accounts for Vote 40. The HSE is currently working on this and the Appropriation Accounts must be finalised by the end of March. The 2006 capital allocation for the HSE will be reviewed in the light of the final outturn figures for 2005 and, if necessary, a Supplementary Estimate will be taken for 2006.

As will be apparent from the foregoing, there has been no question of an error in the HSE accounts. I am, naturally, concerned at the significant differences between the December forecast outturn figures and the January estimated out-

turn figures. Apart from any other considerations, it makes it more difficult to plan and manage 2006 expenditure. However, the final figures will be provided by the HSE later this month.

I recognise that it will take some time for the HSE to introduce a single accounting system throughout the organisation which is capable of providing full dual accounting — the standard Vote accounts — and the income and expenditure accounts operated by the former health boards. However, I am assured by the HSE that its systems are fully capable of accounting for all transactions within the organisation and I expect to see a significant improvement this year in the quality of their in-year expenditure management returns.

### Health Services.

19. **Mr. McEntee** asked the Tánaiste and Minister for Health and Children the progress to date on health services for stroke victims; and if she will make a statement on the matter. [8329/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** In 2005, the Tánaiste met with the Irish Heart Foundation to discuss, *inter alia*, services for patients with stroke. Following that meeting the foundation, with the support of a grant of €70,000 from my Department, convened a National Stroke Review Group, NSRG. The NSRG has representatives from the HSE — population health — and a wide range of relevant professional and voluntary organisations — community health nurses, speech therapists, volunteer scheme etc. The group developed a comprehensive research proposal over a period of nine months based on methods used for an audit of hospital and community services in the UK.

The planned research, which is due to start this month, is for a national audit of stroke services, to include an audit of hospital-based stroke services: organisational aspects of care in acute hospitals, especially “organised stroke care” and a clinical audit of stroke care, involving review of clinical case notes for a selected sample of patients; and an audit of community-based stroke services, to include surveys of GPs, allied health professionals, patients and carers, and nursing homes.

These audits will provide excellent baseline information on which to benchmark progress in developing stroke services and I understand the entire study is scheduled to take 18 months to complete. The NSRG will monitor progress of the research and use the findings to make recommendations on the development of stroke services. The Department and the Health Service Executive will consider policy implications in the light of this national service audit.

### Medical Education.

20. **Mr. Noonan** asked the Tánaiste and Mini-



[Mr. Noonan.]

ster for Health and Children the breakdown on the way in which she intends spending the announced €200 million on both undergraduate and postgraduate medical education; the time-scale for this spending; and if she will make a statement on the matter. [8342/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 February I announced, together with the Minister for Education and Science, Deputy Mary Hanafin, details of a major reform programme in undergraduate and postgraduate medical education and training, based on the recommendations in the Report of the Working Group on Undergraduate Medical Education and Training, chaired by Professor Pat Fottrell, and the Report of the Postgraduate Medical Education and Training Group, chaired by Dr. Jane Buttimer. Both reports were published on that date.

The initial indicative cost of implementing the reform programme approved by the Government is estimated to be in the region of €200 million over the period 2006-10, subject to undertaking further costing studies and an audit of existing and required facilities. In particular, the overall capital requirements in the undergraduate and postgraduate areas will be the subject of detailed appraisal of existing infrastructure and future needs.

Among the major reforms to be funded at undergraduate level are: a more than doubling of the number of medical places for Irish and EU students over a four year period from 305 to 725; the introduction of a new graduate entry programme for medicine from 2007 as part of the overall expansion of places; curriculum and clinical training developments aimed at enhancing the quality of undergraduate medical education; the development of a new aptitude test for selection for graduate entry to medicine; devising proposals for a new selection mechanism for entry to undergraduate medicine to involve a combination of CAO points and suitability test performance from 2008 at the earliest; and the creation of new academic clinician posts to be jointly funded by the education and health sectors.

Among the major reforms to be funded at postgraduate level are: improved retention of graduates from Irish medical schools through a range of measures to enhance the quality and attractiveness of postgraduate specialist training; phasing out NCHD posts with limited training value within a feasible and realistic timeframe; better workforce planning to align the numbers of doctors in training with projected consultant vacancies; inclusion in the Medical Practitioners Bill of provisions to assign appropriate medical education and training functions to the HSE and, where appropriate, the Medical and Dental Councils; implementing the training principles to be incorporated into new working arrangements

for doctors in training; and the development of research in the health sector.

### Consultants' Contracts.

21. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she will clarify her explanation of introducing a public only contract for consultants; if her proposal means that the consultant can only see public patients or if it is the equivalent of the present category 1 contract; and if she will make a statement on the matter. [8334/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Proposals for a new employment contract for consultants working in the public health system were recently tabled by the management side in the context of the consultants' contract negotiations.

The new contract will be a first step towards the introduction of a consultant-provided service and the appointment of large numbers of dedicated public hospital and community based consultants, working in teams. This will be matched by a reduction in the number of non-consultant hospital doctors.

A consultant-provided service is dependent on consultants assuming a new role. The contract will set out the terms and conditions associated with employment as a consultant dedicated exclusively to the public health service. It will recognise consultants as senior employees with lead responsibility, within established best practice, for decisions on patient care and treatment.

The public only contract will differ from the existing category 1 contract. While the category 1 contract permits the consultant to charge private patients for treatment in the public hospital only, the new contract will not permit that. This will help to ensure that all patients, both public and private, will be treated in an equitable manner.

### Medical Inquiry.

22. **Ms Burton** asked the Tánaiste and Minister for Health and Children the expected completion date of the inquiry, to be chaired by a judge, into the activities of the former Drogheda obstetrician, Dr. Michael Neary; if she will confirm that medical records of a number of patients who underwent Caesarean hysterectomies under the care of Dr. Neary at Our Lady of Lourdes Hospital were deliberately removed from the hospital; and if she will make a statement on the matter. [8536/06]

30. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if the Neary report will be published; the steps she intends to take to protect patients in the future; and if she will make a statement on the matter. [8352/06]

80. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she has received the Harding-Clarke report on the obstetrics and gynaecology unit at Our Lady of Lourdes Hospital in Drogheda; and if she will make a statement on the matter. [8375/06]

82. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children when she intends publishing the report into the inquiry at Lourdes Hospital by Judge Maureen Harding-Clarke; and if she will make a statement on the matter. [8351/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 22, 30, 80 and 82 together.

The report of the Lourdes Hospital inquiry, chaired by Judge Maureen Harding Clark, was published on Tuesday last. The inquiry was established by the Government in 2004 following the decision of the Medical Council to remove Dr. Michael Neary from the Register of Medical Practitioners after finding him guilty of professional misconduct.

I am conscious that the last few years have been particularly difficult and traumatic for many former patients of the maternity unit at Drogheda, and yesterday I met with Patient Focus to discuss the findings of the report. The question of compensation will now be considered by my Department in the light of the report's findings and in consultation with the Office of the Attorney General and the Department of Finance, with a view to bringing a proposal to Government.

This is a damning report and it is clear from the findings that many lessons need to be learned and changes made to ensure that such events do not happen again in Irish hospitals. The findings and recommendations are being examined in detail by my Department which will consult with the Health Service Executive and the various professional regulatory bodies. The recommendations in the report will act as a significant catalyst in the reform agenda. They confirm the appropriateness of the actions being taken in relation to the preparation of the new Medical Practitioners Bill, the reform of the current consultant contract and the changes in management systems within hospitals.

The forthcoming Medical Practitioners Bill will make continuing professional development and education compulsory. It will also ensure that competence assurance will be given a statutory basis. Furthermore, in the context of the consultant contract talks, the management side have put forward proposals to ensure that consultants work in teams with clear clinical leaders who will ensure that individual clinical practice is in line with best practice.

One of the many disturbing findings in the report is that the obstetric hysterectomy records of 44 patients are missing and that they were

intentionally and unlawfully removed from the hospital with the object of protecting those involved in carrying out the hysterectomies or in protecting the reputation of the hospital. The inquiry is satisfied that a person or persons unidentified, who had knowledge of where records were stored and who had easy access to those records, was responsible for a deliberate, careful and systematic removal of key historical records which are missing, together with master cards and patient charts.

In relation to the conclusions regarding the deliberate removal of patient records, I have invited the Garda Síochána to examine the report to determine whether further investigation is now warranted.

#### **Nursing Home Accommodation.**

23. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if all contract beds have a contract of care with the private nursing homes involved; and if she will make a statement on the matter. [8326/06]

78. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if it is Government policy to insist that no contract beds will be bought or paid for by the public health services unless a contract of care is drawn up between the health authorities and the private nursing home involved; and if she will make a statement on the matter. [8354/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 23 and 78 together.

In accordance with the Nursing Homes (Care and Welfare) Regulations 1993, a provider must undertake a contract of care in regard to each dependent person and-or a person acting on his/her behalf. This is set out in paragraphs 7.1 to 7.3 of the nursing home regulations. Also, under the Code of Practice for Nursing Homes published by the Department of Health and Children, there are specific requirements in regard to a contract of care; these are set out under section 5 of the code, which is voluntary.

The HSE, when contracting beds from private nursing homes for the provision of care to clients referred by the HSE, enters into an agreement with the home in relation to all aspects of the contract and service provision.

The nursing home is required to be registered under the Health (Nursing Homes) Act 1990 and the provider must have the necessary skills, knowledge and expertise to provide appropriate care to clients referred by the HSE.

The provider must undertake, during the term of the agreement, that it will at all times provide care and welfare for each of the patients-clients identified by the HSE in proper accordance with their individual needs and requirements and, more particularly, strictly in accordance at all

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times with the terms, conditions and obligations contained in the Health (Nursing Homes) Act 1990 and the Nursing Homes (Care and Welfare) Regulations 1993, as amended. Generally, prior to admission a care plan, which will specify the extent of the services required by the patient-client, must be developed by the provider in conjunction with the hospital referring each patient-client and the provider undertakes to implement same. This will include all services considered essential to the maintenance of a person in a nursing home.

#### **Ambulance Service.**

24. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to up-skill ambulance staff; and if she will make a statement on the matter. [8322/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Pre-Hospital Emergency Care Council, PHECC, is responsible for the development of professional and performance standards for the ambulance services and for the accreditation of institutions providing training for ambulance personnel.

The council conducts national examinations to determine if individuals have achieved the emergency medical technician-paramedic standard suitable for the awarding of the national qualification in emergency medical technology, NQEMT. It also has an assessment process for recognising equivalent qualifications obtained within and outside the State. Almost 2,000 individuals are on its database as having achieved this standard.

My Department is advised by the council that the NQEMT exceeds the emergency medical technician standards that apply in the UK, North America and Australasia.

The most significant development in the ambulance sector for many years is the roll-out of the advanced paramedic training programme. The National Ambulance Training School, which operates under the auspices of the Health Service Executive, in conjunction with University College Dublin, is providing training for advanced paramedic candidates on behalf of the Pre-Hospital Emergency Care Council.

Currently, emergency medical technicians can administer four drugs to treat pain, chest pain and low blood sugar levels. The programme will ensure that trained personnel can administer a range of additional medications — 19 — which include, for example, cardiac medications.

The NATS trained 36 advanced paramedics in 2005 and hopes to train a further 48 in the current year. It is envisaged that initial operational deployment of the service will commence during 2006.

My Department has allocated funding to the Pre-Hospital Emergency Care Council each year

since 2004 to facilitate the rolling out of the training element of the programme.

The council has also recently established a professional register for pre-hospital emergency care practitioners. The register is similar to the registers already in use for other health care professionals. It is designed to ensure that everyone on the register operates under the standards and guidelines laid down by the council, that they have the skill and competency required to operate at a designated level, that they maintain their skill levels and participate in continuous professional development.

#### **Vaccination Programme.**

25. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason her Department did not inform Dáil Éireann or the Joint Committee on Health and Children regarding its intention to introduce a vaccine for avian flu, which was announced to the public on 24 February 2006; and if she will make a statement on the matter. [8599/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I do not understand the Deputy's reference to this House or the Joint Oireachtas Committee on Health and Children not being informed about the purchase of H5N1 vaccine.

On 31 January last in reply to parliamentary questions, I stated that arrangements to procure a stockpile of H5N1 vaccine for key health care workers and other essential workers were in train. Officials from my Department and the HSE informed the Joint Oireachtas Committee on Health and Children of our plans in this regard on 16 February. In addition, the Joint Oireachtas Committee on Agriculture and Food was briefed on 25 January. The announcement about the actual purchase was made last Friday at the earliest possible opportunity.

#### **Accident and Emergency Services.**

26. **Ms McManus** asked the Tánaiste and Minister for Health and Children her plans to relieve the overcrowding in accident and emergency departments at each of the DATHS hospitals; her further plans to introduce a reward-penalty scheme for accident and emergency departments; when the report on neurological services will be published; and if she will make a statement on the matter. [8531/06]

114. **Ms McManus** asked the Tánaiste and Minister for Health and Children the plans that are in place to relieve the overcrowding in accident and emergency departments at each of the DATHS hospitals; her plans to introduce a reward-penalty scheme for accident and emergency departments; when the report on neurological services will be published; and if she will make a statement on the matter. [8732/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 26 and 114 together.

My Department is in ongoing discussions with the Health Service Executive with regard to the need for improvement in accident and emergency services, with a particular focus on reducing the numbers on trolleys and the waiting times for patients in individual hospitals.

There is a need to build on the existing action plan for accident and emergency services and, in particular, to adopt a more focused approach that concentrates on individual hospital performance. Arising from the discussions with the HSE, a number of proposals have been agreed, including provision for specific performance improvement targets for individual hospitals.

With regard to neurology services, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services as part of the Estimates for health services in 2006. This funding was provided to allow the Health Service Executive further progress the implementation of the recommendations made by the former Comhairle na nOspideal in respect of these services. The Comhairle report, which has been published, recommended significant enhancement of services, including the appointment of additional consultants. While reaching the full complement of consultant posts as recommended will take some time, major improvements in patient care can be achieved in the shorter term through a combination of additional consultant posts and the appointment of a number of clinical nurse specialists and allied health professionals.

My Department is advised by the executive that the development of three new neurology units will commence during 2006, one in the mid-west, one in the north west and one in the south east, with the appointment of multi-disciplinary teams comprising consultant neurologists and support staff.

The HSE will also be investing in neurophysiology services in 2006, with the development of an innovative teleneurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

#### **Cancer Screening Programme.**

27. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the estimated cost of the roll-out of a national cervical screening programme; and if she will make a statement on the matter. [8346/06]

51. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the additional funding the Health Service Executive will receive in 2006 to ensure medical card patients can avail of cervical screening; and if she will make a statement on the matter. [8359/06]

64. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children when it is expected that the national cervical screening programme will commence; and if she will make a statement on the matter. [8554/06]

68. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the additional funding the Health Service Executive will receive to develop a patient registration list; and if she will make a statement on the matter. [8358/06]

86. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there are potentially 10,000 women with pre-cancerous C1N3 of the cervix undiagnosed due to the lack of a dedicated cervical screening program; and if she will make a statement on the matter. [8360/06]

111. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children if her Department has costed and agreed a timeframe to roll-out the national screening programme; the amount of funding required; and if she will make a statement on the matter. [8347/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 27, 51, 64, 68, 86 and 111 together.

I am fully committed to the national roll-out of a cervical screening programme in line with international best practice to reduce incidence and mortality from cervical cancer. My Department is in detailed discussions with the Health Service Executive in relation to the most efficient and cost effective way to deliver a national programme. The plan is to have cervical screening managed as a national call-recall programme via effective governance structures that provide overall leadership and direction in terms of quality assurance, accountability and value for money. All elements of the programme — call-recall, smear taking, laboratories and treatment services — must be quality assured, organised and managed to deliver a single integrated service. I am convinced that we must also have in place tailored initiatives to encourage take up among disadvantaged and difficult to reach groups. I made available an additional €9 million to the executive for cancer services development in 2006, including the continuation of preparations for a national programme.

I consider that the programme should be best rolled out in the primary care setting, subject to affordable and acceptable arrangements being agreed. A review of the contractual arrangements for the provision by general practitioners of publicly-funded primary care services is being conducted at present under the auspices of the Labour Relations Commission. I have requested that the general practitioner elements of a national cervical screening programme be tabled at these discussions. Any remuneration arrange-

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ments agreed must be capable of delivering a high uptake among women. Payments must be primarily based on reaching acceptable targets. The actual costs of the programme will depend significantly on the level of primary care fees, the screening intervals agreed and maximising laboratory efficiencies, including the application of new technologies. I wish to see the programme rolled out as quickly as possible but only when the essential infrastructure, organisation and services are in place that are quality assured and meet international standards.

Cervical smear testing is not currently provided by GPs under the scheme for medical card holders. However, where cervical smears form part of recognised protocols for the ongoing treatment of individual patient illnesses, they should be provided free of charge to eligible women under the GMS scheme. Any necessary follow-up treatment is available to all women, including medical card holders, within the public hospital system.

### Health Care Strategy.

28. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children the costing for the full implementation of the 2001 primary health care strategy; the progress made to date on the implementation of the strategy; and if she will make a statement on the matter. [8605/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Implementation of the primary care strategy requires the development of new ways of working and reorganisation of the resources already available to the health service, as well as additional investment in order to provide extra capacity. This whole-system approach to implementation means change will be required in many sectors in the health service, and not solely within primary care itself. The estimated cost of implementation of the primary care strategy over an initial period of ten years is contained in the strategy document, *Primary Care: A New Direction*.

The strategy estimated the additional staffing costs involved, allowing for the availability of existing staff and taking account of the composition of typical core teams and the associated network professionals, at approximately €615 million per annum for the first 400 to 600 teams. The capital cost, at 2001 prices, of developing a primary care facility was estimated at some €2.5 million for each team, which is approximately €1.27 billion for the first 400 to 600 teams. The strategy also estimated that up to €63 million in once-off costs and running costs of €12.7 million per annum would be required for ICT supports.

In relation to implementation, an initial group of ten primary care teams have been established nationally, with funding to enable existing staff resources within the public system to be augmented. Funding has also been applied to a range

of other initiatives intended to advance implementation. These include: planning and mapping work by the HSE; service developments in specific locations; a review of ICT needs in primary care; support to university departments of general practice and the Irish College of General Practitioners; and research fellowships in primary care.

To support further implementation of the strategy in 2006, additional revenue funding of €16 million has been provided. Of this funding, €10 million is to support the establishment of 75 to 100 primary care teams nationally. This will enable the provision of 300 additional frontline personnel to work alongside GPs to provide integrated and accessible services in the community.

I have been informed by the HSE that work to establish these primary care teams in development is under way. I understand that the executive will be targeting the funding so as to provide each local health office of the HSE with the potential to develop up to three primary care teams. The executive hopes to focus where possible on areas of disadvantage and with health inequalities in planning for the establishment of these teams.

A sum of €4 million has been provided for the establishment of additional GP training places and €2 million to enhance GP out-of-hours co-ops. This means that, taking into account development funding provided since 2002, €28 million is available in 2006 specifically to support the implementation of the primary care strategy. However, other development funding will also be used to support the delivery of services in line with the principles of the strategy.

### Health Services.

29. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children if dedicated funding for screening programmes for preventative health in diseases like osteoporosis, hypertension, diabetes mellitus, hyperlipidaemia and hyperchloraemia are planned; and if she will make a statement on the matter. [8361/06]

**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.

*Question No. 30 answered with Question No. 22.*

### General Practitioner Services.

31. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children her views on the

introduction of salaried general practitioners; and if she will make a statement on the matter. [8603/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Section 58 of the Health Act 1970 provides that the Health Service Executive, HSE, shall make available without charge general practitioner services to persons with full eligibility under the Act and to persons with limited eligibility for whom, in the opinion of the executive, it would be unduly burdensome to arrange such services for themselves and their dependants. In accordance with section 7(4) of the Health Act 2004, the executive may deliver health and personal social services directly or arrange to have them delivered on its behalf.

In most cases the HSE contracts with suitably qualified and equipped providers for the delivery of general practitioner services to persons entitled under the law to receive such services free of charge. General practitioner services should, as far as possible, continue to be delivered on this basis. Where the HSE judges that the direct provision of the service is the most beneficial, effective and efficient means of meeting the needs of the relevant population, it is open to it to decide directly to employ appropriately qualified professionals for this purpose.

A review of the contractual arrangements for the delivery of publicly funded general practitioner services is being conducted at present under the chairmanship of the Labour Relations Commission. This fundamental review must result in a new set of contractual arrangements which result in the provision by general practitioners of high-quality, person-centred primary care services to individuals and communities, support the achievement of national health policy objectives and provide a challenging and fulfilling working environment for doctors.

#### Care of the Elderly.

32. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the number of home care packages which will be available; and if she will make a statement on the matter. [8362/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy will be aware that an investment package of an additional €150 million has been put in place for services for older people and palliative care for 2006 and 2007, of which €55 million was allocated to home care packages. This is a full year cost, €30 million of which is for 2006, during which an additional 2,000 packages will be provided by the Health Service Executive across the country. Some 1,100 packages are provided at present. The priority will be older people living in the community or who are inpatients in an acute hospital who may otherwise require admission to residential care. The home care packages will also

be available to those older people who have been admitted to long-term care and who now wish to return to the community.

It is envisaged that this focus on care in the community for older people will not be confined to 2006 and 2007 but represents a shift away from residential care, as a first option, that will continue into the future. The Deputy will be aware that the Mercer report on the Future Financing of Long-Term Care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined all issues surrounding the financing of long-term care. Following on the publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs, was established. The objective of this group was to identify the policy options for a financially sustainable system of long-term care, including improvements in community care, taking account of the Mercer report. This group presented its report to Government, where it is under consideration.

#### Consultants' Contracts.

33. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the progress made to date in negotiations with the Irish Hospital Consultants Association; the items which remain outstanding; when she intends to proceed with the appointment of the promised public-only consultants contracts; and if she will make a statement on the matter. [8552/06]

79. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she has set a deadline to end the consultant contract talks; the agency that will be responsible for implementing her new contracts; and if she will make a statement on the matter. [8336/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 33 and 79 together.

It will be recalled that both medical organisations — the Irish Medical Organisation, IMO, and the Irish Hospital Consultants Association, IHCA — would not participate in contract negotiations until the extension of the clinical indemnity scheme, CIS, to consultants was resolved.

Talks on a new contract commenced on 24 November 2005 under the independent chairmanship of Mr. Mark Connaughton SC. At that meeting, and a further plenary meeting in December, both the IHCA and the IMO indicated that they required a number of issues to be addressed before they could engage in substantive negotiations on a new contract.

While some of these issues remain unresolved, a position paper outlining proposals on a new employment contract for consultants working in the public health system was tabled by manage-

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ment at a plenary meeting on 26 January 2006. The medical organisations have refused to engage in substantive discussions on these proposals. At a further meeting on 9 February the talks were adjourned without any further date being set for their resumption.

While a further meeting between management and the consultant representative bodies has not been arranged, the independent chairman is maintaining contact with both sides with a view to arranging a formula to effect the resumption of substantive and intensive negotiations at an early date. I am anxious for the negotiations to be concluded within a reasonable timeframe. The Health Service Executive will have responsibility for overseeing the full implementation of the new contract arrangements.

#### Medical Inquiry.

34. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the reason for the long delay in publishing the report of the inquiry into the death of a person (details supplied) in Monaghan Hospital in October 2005 in view of the undertaking she gave Dáil Éireann in October 2005 that the report would be completed within eight weeks; and if she will make a statement on the matter. [8563/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Following the death of Mr. Patrick Walsh in Monaghan Hospital on 14 October 2005, the Health Service Executive commissioned Mr. 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.

#### Care of the Elderly.

35. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children her views on the recently published NESF report on care for the elderly; and if she will make a statement on the matter. [8560/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The National Economic and Social Forum report on care for older people was launched on 29 January 2006. The Department will be studying this report and will also be discussing it with the HSE in due course.

As the Deputy may be aware, the Tánaiste and the Minister for Social and Family Affairs, Deputy Brennan, established a working group to identify the policy options for a financially sustainable system of long-term care, including improvements in community care and home care packages. The report of the Working Group on

the Future Financing of Long-Term Care has been presented to Government, where it is under consideration.

#### Nursing Staff.

36. **Mr. Costello** asked the Tánaiste and Minister for Health and Children her response to the claim for improved pay and conditions recently lodged by the Irish Nurses Organisation on behalf of its members; and if she will make a statement on the matter. [8538/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Irish Nurses Organisation and the Psychiatric Nurses Association have recently lodged a number of claims for increases in pay and changes to working conditions. The unions concerned have signed up to the current national agreement — Sustaining Progress. A management team led by the Health Service Executive — Employers Agency met with the unions on 10 February 2006. They reminded the unions that under section 19.6 of Sustaining Progress cost increasing claims for improvements in pay or conditions are precluded during the lifetime of the agreement.

The parties to Sustaining Progress had agreed that the benchmarking exercise was an important initiative in developing a better system of pay determination in the public service. The parties further agreed that this process is an appropriate way of determining public service pay rates in the future. Following on from this a new Public Service Benchmarking Body, PSBB, was established on 13 January 2006 by the Minister for Finance. This new PSBB is the sole mechanism for the determination of the pay of public servants, including nurses.

I understand that the claims are being referred to the Labour Relations Commission. It remains Government policy that it is not open to the nursing unions or any other public service unions to pursue pay claims otherwise than in accordance with the terms of the prevailing national pay agreement.

#### Accident and Emergency Services.

37. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the action she has taken to address the ongoing issue of hospital patients being forced to wait, in some cases several days, on hospital trolleys; if an evaluation has been done to determine the underlying reasons for this continuing problem; if her attention has been drawn to the serious damage being done to the quality of hospital services and the risk to patients while this continues; and if she will make a statement on the matter. [8577/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is in ongoing discussions with the Health Service Executive with regard to the need for improvement in the acci-

dent and emergency services, with a particular focus on reducing the numbers on trolleys and the waiting times for patients in individual hospitals.

There is a need to build on the existing action plan for accident and emergency services and, in particular, to adopt a more focused approach that concentrates on individual hospital performance. Arising from the discussions with the HSE, a number of proposals have been agreed, including provision for specific performance improvement targets for individual hospitals.

### Hospital Accommodation.

38. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if a full audit of the number of acute hospital beds in use in the public health system and of the number required to meet patient needs will be carried out; and if she will make a statement on the matter. [8461/06]

46. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of acute hospital beds and step-down beds that are required to meet the needs of the health service over the next five years and the next ten years; when the report on neurological services will be published; and if she will make a statement on the matter. [8547/06]

110. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children the progress made to date on the delivery of the promised 3,000 acute beds; and if she will make a statement on the matter. [8606/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 38, 46 and 110 together.

The Health Services Executive's National Service Plan 2006 which has been laid before the Houses of Oireachtas, states that there are 53 public acute hospitals with a total of 13,771 beds, inpatient and day places, at October 2005.

An Agreed Programme for Government includes a commitment to expand public hospital beds in line with the health strategy commitment to increase total acute hospital bed capacity by 3,000 by 2011. Substantial investment in additional bed capacity in acute hospitals has already taken place.

Funding has been provided to open an additional 900 inpatient beds and day places in public acute hospitals throughout the country. The Health Service Executive has informed my Department that 818 of these beds and day places are in place and the remaining 82 beds and day places will come on stream over the coming months.

In addition, a further 450 acute beds and day places are in various stages of planning and development under the capital investment framework 2005-09. In July 2005, I announced an initiative which will provide up to an additional 1,000 beds for public patients in public hospitals

over the next five years. The Estimates for 2006 include €60 million to open new acute hospital facilities some of which will provide additional inpatient beds and day places. These additional inpatient beds and day places will go some way to achieving our commitment in the programme for Government to increase total acute hospital capacity.

My Department, in conjunction with the Health Service Executive, will be reviewing public capacity requirements in the acute hospital sector in the light of developments since the health strategy was published. My Department is in discussion with the HSE on an assessment to be carried out by them regarding long-term care residential requirements for older people, including respite and intermediate care.

Comhairle na nOspidéal published a report of a review of neurology and neurophysiology services in April 2003. The report recommended significant enhancement of these services, including increases in consultant staffing. As part of the Estimates for health services in 2006, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services. My Department is advised by the executive that the development of three new neurology units will commence during 2006, one in the mid-west, one in the north west and one in the south east, with the appointment of multi-disciplinary teams comprising consultant neurologists and support staff.

The HSE will also be investing in neurophysiology services in 2006, with the development of an innovative teleneurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

### Hospital Services.

39. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the communications she has had with the Health Service Executive regarding the consultancy report it has commissioned on hospital services in the north east region; and if she will make a statement on the matter. [8376/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department has been advised by the Health Service Executive that it is currently engaged in a procurement process to select a consultancy that will examine acute hospital services in the north eastern region.

The terms of reference will include the determination, with reference to international best practice of the optimal configuration of hospital services and consultant staffing for the geographic area and population of the north east in order to provide safe, sustainable, cost-effective and high quality services.

### General Practitioner Co-operatives.

40. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if she has satisfied



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herself with the out-of-hours services offered by general practitioners and co-operatives; the steps she is taking to improve these services; and if she will make a statement on the matter. [8604/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The established and agreed policy on general practitioner out of hours co-operative services is outlined in the national health strategy Quality and Fairness A Health System for You, which commits to further development of this area. The GP co-operatives provide the means for all patients, both medical card and private, to access appropriate qualified medical care out of hours, including domiciliary visits where deemed appropriate, by dialling a lo-call number. The development of GP co-operatives is being undertaken as part of the overall strengthening of primary care services available to patients and to ensure that, to the greatest extent possible, patients care needs are met in the primary care setting.

The first full out of hours general practitioner co-operative began in the Health Service Executive's south eastern area in 1999 and was adjudged one of the most significant developments in the area of general practice. In 2000, this co-operative service along with that operated in the HSE's north eastern area were independently evaluated and found to be an enhancement of the care available to patients. The evaluations also found that the services provided were held in high regard by both the patient and the service provider.

Between 2000 and 2005, approximately €105 million has been provided for the development of GP out of hours co-operatives. In 2006 approximately €33 million is available to the HSE, of which €2 million is new funding in the current year. The HSE is at present giving consideration to the further developments to be undertaken on foot of this additional funding. Out of hours co-operatives are now found in part of all HSE areas, providing coverage in part or all of the 26 counties. The geographical areas to be covered by co-operatives and any expansion are decisions for the HSE to make, having regard to the strategic, financial and other issues involved.

Some of the co-operatives have put in place systems to monitor the satisfaction levels of patients using the service and in others independent evaluation on customer reactions are undertaken. In the HSE's western area an independent evaluation of the co-operative, conducted by National University of Ireland, Galway, found high levels of patient satisfaction with the service provided by the doctors and recorded that 30% of survey respondents would have gone to a hospital accident and emergency unit if the service had not been available.

In the context of their operational responsibility for GP out of hours services I understand that the HSE intends to undertake a review of this service area, and that the terms of reference for this task are under consideration.

## Health Services.

41. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the breakdown of where the €16 million given to primary care for 2006 will be spent; if she would list the 75-100 primary care centres; and if she will make a statement on the matter. [8349/06]

56. **Jan O'Sullivan** asked the Tánaiste and Minister for Health and Children the projects on which the €16 million allocated to primary care by the Health Service Executive will be spent; and if she will make a statement on the matter. [8553/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 41 and 56 together.

The Government is fully committed to the implementation of the principles contained in the primary care strategy, which provides a template for the reform and development of primary care services over a period of ten to 15 years.

The chief executive officer of the Health Service Executive has also emphasised the importance of developing primary care services, both as the appropriate service for the delivery of the majority of people's health and social care needs and to complement the services provided by acute hospitals. This is an important priority of the executive and has my full endorsement. The implementation process at operational level is a function of the HSE which, under the Health Act 2004, is responsible for the management and delivery of health and personal social services.

To support further implementation of the strategy in 2006, additional revenue funding of €16 million has been provided. Of this funding, €10 million is to support the establishment of 75-100 primary care teams nationally. This will enable the provision of 300 additional frontline personnel to work alongside GPs in order to provide integrated and accessible services in the community.

I have been informed by the HSE that work to establish these primary care teams in development is under way. I understand that the executive will be targeting the funding so as to provide each local health office of the HSE with the potential to develop up to three primary care teams. The executive hopes to focus where possible on areas of disadvantage and with health inequalities in planning for the establishment of these teams.

A sum of €4 million has been provided for the establishment of additional GP training places and €2 million to enhance GP out-of-hours co-ops. This means that, taking into account development funding provided since 2002, €28 million is available in 2006 specifically to support the implementation of the primary care strategy. However, other development funding will also be used to support the delivery of services in line with the principles of the strategy.



[Mr. B. Lenihan.]

Primary Reason for Homelessness of Children	ERHA	MHB	MWHB	NEHB	NWHB	SEHB	SHB	WHB	National
<i>Child Problems</i>									
Child Abusing Drugs/ Alcohol	18	0	9	1	0	5	12	8	53
Child Involved In Crime	17	1	1	0	0	0	6	0	25
Child Pregnancy	7	0	0	1	0	3	2	0	13
Child With Emotional/ Behavioural Problems	65	11	15	2	0	13	30	10	146
Mental Health Problem/ Intellectual Disability In Child	1	0	0	0	0	0	0	0	1
Other — Please Specify	1	0	0	1	0	0	3	0	5
Physical Illness/ Disability In Child	8	0	0	1	0	0	0	1	10
<i>Family Problems</i>									
Domestic Violence	7	0	0	0	0	3	0	0	10
Family Member Abusing Drugs/ Alcohol	36	1	0	0	0	3	3	4	47
Mental Health Problem/ Intellectual Disability In Other Family Member	0	0	0	0	0	0	0	0	0
Other — Please Specify	2	0	1	0	1	4	9	1	18
Parent Unable To Cope/ Family Difficulty Re Housing/Finance	17	2	3	12	1	30	33	2	100
Physical Illness/ Disability In Other Family Member	2	0	0	0	0	0	0	0	2

A sub-group was established to look at the education and training objectives of the youth homelessness strategy. Membership of the group included representatives of the statutory and voluntary education and health sectors. It was agreed that there was a need to look at a broad understanding of the homelessness process to understand the potential impact of education and training elements as part of the solution for young people who are homeless. Consideration was given to: the preventive aspect of educational and training interventions; processes to ensure that education and training elements form part of the ongoing support of children and young people who are homeless; and the role of education and training in the prevention and reintegration of children in the care or detention systems.

The group finalised its report and it was sent to the relevant Departments, the national education welfare board and the Health Service Executive on 21 June 2005.

A sub-group was established to examine information and advocacy in the context of the youth homelessness strategy, with a particular focus on making relevant information more accessible to young homeless people or young people at risk of becoming homeless. The group finalised its report and it was sent to my Department, the Health Service Executive and Comhairle on 21 November 2005.

Since the publication of the youth homelessness strategy, significant progress has been made. Approximately €12 million has been allocated by the Department of Health and Children to the former health boards for the development of youth homelessness services since 2001 and 195 new whole-time equivalent posts have been filled across the Health Service Executive, up to 31

December 2004. Although these posts impact on youth homelessness services, they are not all exclusively dedicated to youth homelessness services. Some 11 new units have opened nationwide and over 42 new or extended services, including aftercare, have been developed around the country.

The Health Service Executive is responsible for the management and delivery of health and personal social services. In recent years many services have been developed to counter the problem of youth homelessness in the Dublin region. The crisis intervention service for young people out of home is based in the city centre and includes an outreach service, emergency out of hours social work service, reception centre, residential units and a day centre. A director for homelessness was appointed in the former eastern regional health authority, Health Service Executive eastern area, in 2000. I am advised that this is now the role of the national care group manager social inclusion since the establishment of the Health Service Executive.

In Cork, Liberty Street House became fully operational in 2003, and acts as a focal point for youth homelessness services in Cork. The centre provides a variety of services, including social work, medical, financial services, for young people out of home or in danger of becoming homeless.

Services for homeless children are also provided by the other Health Service Executive areas and generally these are provided as part of the child protection and welfare services. The services provided include units for young people out of home supported lodgings, and the provision of out-reach, leaving and after care services.

### Pharmacy Regulations.

43. **Ms McManus** asked the Tánaiste and Minister for Health and Children the steps she is taking to safeguard patients from rogue pharmacists and pharmacy owners; the estimated numbers that are not registered, but should be, due to delays in bringing forward pharmacy legislation; and if she will make a statement on the matter. [8532/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The practice of pharmacy is governed by the Pharmacy Acts 1875 to 1962. I am aware that the current fitness to practice provisions in these Acts are inadequate for the modern practice of pharmacy. On foot of the recommendations of the pharmacy review group I obtained Government approval in June 2005 to commence the process of drafting, as a priority, new pharmacy legislation to allow, among other things, the making of fitness to practice regulations for pharmacists. The purpose of these new provisions is to ensure the highest standards from pharmacists and to safeguard the safe and effective delivery of pharmaceutical services. My Department is at an advanced stage in drawing up the heads and general scheme of a pharmacy fitness to practice Bill and I intend to take a memorandum to Government in the very near future, seeking approval for the draft heads and general scheme and requesting that the legislation be referred to the Parliamentary Counsel's office for formal drafting of the Bill.

Retail pharmacies only require a state contract where they wish to provide services under the community drug schemes. Information regarding the number of pharmacies operating without a community pharmacy contractor agreement is not collected by my Department.

According to the Pharmacy Act 1962, SI 14/1962, the keeping of open shop for dispensing of medical prescriptions and sale of poisons must be personally supervised by a person who is registered with the Pharmaceutical Society of Ireland, is employed in a whole-time capacity and is not acting in a similar capacity for any other body corporate or any authorised person or on his or her own behalf.

Information regarding the number of pharmacists who are not registered with the Pharmaceutical Society of Ireland is not collected by my Department.

44. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if her Department is considering legislation on the basis of the pharmacy review group and the serious consequences this will have on primary care centres already established or in the process of being built; and if she will make a statement on the matter. [8365/06]

60. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the recommendations of the pharmacy review group that are Government policy; and if she will make a statement on the matter. [8364/06]

96. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children her Department's view on the recommendations of the pharmacy review group and the way in which these recommendations cannot be implemented in the changed commercial environment in primary care; and if she will make a statement on the matter. [8366/06]

133. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when it is expected the pharmacies Bill will become law; and if she will make a statement on the matter. [8762/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 44, 60, 96 and 133 together.

On foot of the recommendations of the pharmacy review group, approval was given in Government decision S180/20/10/0831 of 21 June 2005 to allow my Department commence drafting new pharmacy legislation by way of two pharmacy Bills. The first Bill is to deal with fitness to practice provisions for pharmacists, the removal of the prohibition, or the derogation, on non-Irish graduates being supervising pharmacists in pharmacies less than three years old, and a stronger statutory basis for the Pharmaceutical Society of Ireland, PSI.

This Bill will ensure the highest standards from the profession and ensure the safe and effective delivery of pharmaceutical services to all citizens of the State. It will also update the governance of the PSI, including wider non-pharmacist representation on its council, and modernise the regulations with respect to the registration of pharmacists, including non-EU and EEA graduates while dealing with some matters concerning the delivery of pharmaceutical services in a community setting.

The second Bill is to legislate for pharmacy practice and the delivery of pharmaceutical services. This Bill will address the regulation of pharmacy and pharmacy services, including issues such as the definition of pharmacy services, the definition of a community pharmacy, enhanced provisions for the inspection of pharmacies, the provision for regulation of pharmacies in respect of matters such as physical conditions, standards, record keeping and promotional activities.

It is also proposed to deal with general provisions relating to community pharmacy contracts for services, and the remaining recommendations of the pharmacy review group. This will include the recommendation that there should be no beneficial ownership or business interest of any kind between prescribing and dispensing and, in

[Ms Harney.]

regard to group premises with adjacent pharmacies, contracted pharmacies and general practices should occupy discrete premises, with separate entrances. The Government has accepted this recommendation.

While I am not in a position to regulate for ownership or market share, I have agreed to consider the potential conflict of interest issues arising from the development of health centres with adjacent pharmacies, in the context of the second Bill. In the interim, my Department has advised the Health Service Executive to take due care in assessing pharmacy contract applications so that any commercial relationship between a pharmacy contractor and a health centre will not affect the proper provision of services as required under clauses 21, 22(3), 22(4) and 23 of the contract dealing with ownership of pharmacies and beneficial interest.

My Department is at an advanced stage in drawing up the heads and general scheme of a pharmacy fitness to practice Bill and I intend to take a memorandum to Government in the very near future, seeking approval for the draft heads and general scheme and requesting that the legislation be referred to the Parliamentary Counsel's office for formal drafting of the Bill.

#### **Mental Health Services.**

45. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if previous plans to move the acute psychiatric unit in St. Sinan's Hospital to Wexford General Hospital are now being rejected, due to the new report of the expert group on mental health policy, *A Vision For Change*; and if she will make a statement on the matter. [8373/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The report of the expert group on mental health policy *A Vision for Change* was launched on 24 January 2006. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. It will require substantial funding, but there is considerable equity in buildings and lands within the current mental health system, which could be realised to fund this plan. Therefore, this report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to re-invest the resources released by these closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of *Planning for the Future* in 1984.

The Deputy's question relates to the management and delivery of mental health services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accord-

ingly, 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. 46 answered with Question No. 38.*

#### **Health Services.**

47. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to recent research suggesting that cardiovascular diseases cost Ireland more than €866 million in 2003, but that spending here on this area is among the lowest in the EU; the steps she intends to take to deal with this situation; and if she will make a statement on the matter. [8533/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The study to which the question refers is the *Economic Burden of Cardiovascular Diseases in the Enlarged EU*, by Leal J, Luengo-Fernández R, Gray A, Petersen S and Rayner M. *European Heart Journal*, doi:10.1093/eurheartj/ehi733.

I understand that the authors set out to provide an estimate of the economic costs of cardiovascular disease for EU countries. Data were obtained from published studies of health care costs and health service utilisation. It appears that all costs for health care in Ireland were extrapolated from costs in other countries.

It is unclear how some of costs were estimated, for example, annual loss of earnings or the cost for a day's inpatient care. The data on costs and resource implications were used to estimate the costs of cardiovascular disease.

Given that the authors may have underestimated the true costs in Ireland, there are question marks about the accuracy of the overall findings as they relate to this country. It is also possible that the authors did not include the costs of services provided in the private sector.

There has been rapid expansion in cardiology services in Ireland in recent years. The cardiovascular health strategy, *Building Healthier Hearts*, was launched in 1999. The report makes recommendations about the prevention, treatment and surveillance of coronary heart disease across a number of sectors and the full range of health service activities, in health promotion, primary care, pre-hospital care, acute hospital services and cardiac rehabilitation.

Since 2000 the Government has committed over €60 million towards the implementation of the strategy. This funding has supported a wide range of new regional services and initiatives, which have had a measurable impact on the diagnosis, and treatment of patients with heart disease. More than 800 new posts have been created, including 19 additional consultant cardiology posts.

We have made progress in addressing the key challenges in the implementation of the cardiovascular health strategy in the following areas: improving population health by supporting inter-sectoral work for health promotion, to reduce risk of cardiovascular disease and improve quality of life; ensuring equitable access to services by continued provision of resources and support to fully implement outstanding cardiovascular health strategy recommendations to meet the needs of the growing numbers of older people and to provide new treatments for which there is evidence of effectiveness; and improving the quality of services by developing and implementing practice guidelines, the implementation of cardiovascular health information systems, support for clinical audit and for research to enhance the quality of services.

It appears that the study may not reflect the current level of expenditure and service provision. The study is useful however in drawing to our attention the high costs of cardiovascular disease both in Ireland and at European level, not just the costs of health care but also the costs to the economy and to families and carers.

#### **Proposed Legislation.**

48. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children when she intends to bring forward the promised medical practitioners Bill in view of the decision of the Medical Council to proceed with competence assurance measures; and if she will make a statement on the matter. [8562/06]

54. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children the reason the new medical practitioners Bill is not being prioritised when 28 doctors have been struck off the registrar for conduct described by the Medical Council as amounting to moral turpitude; and if she will make a statement on the matter. [8369/06]

83. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children when the Government will take the issue of patient safety seriously in view of the recent Medical Council report which shows that doctors were struck off the council register for sexually assaulting patients and supplying control drugs for sale and sexual favours; and if she will make a statement on the matter. [8353/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 48, 54 and 83 together.

I want to assure the Deputy that the publication of a new medical practitioners Bill is regarded as a priority task in my Department for the current year. Officials are currently considering a number of policy issues, and appropriate consultations are taking place with the Medical

Council. Once those policy issues are settled, Parliamentary Counsel will be asked to complete the drafting of the Bill, with a view to its publication later this year.

It is intended that the medical practitioners Bill will provide a statutory basis for an appropriate scheme of competence assurance for medical practitioners, which will be co-ordinated and administered by the Medical Council. In that context, voluntary participation by medical practitioners in structured audits as announced by the Medical Council is a welcome development.

#### **Departmental Staff.**

49. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children the role of the GPIT unit in her Department; and if she will make a statement on the matter. [8368/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The general practice information technology project, GPIT, was a joint project undertaken between the Irish College of General Practitioners, ICGP, and my Department with the objective of promoting the development of information technology in general practice. The project achieved significant progress in its core remit as well as in a number of related areas, including messaging standards and accreditation of software.

My Department, the HSE and the ICGP are currently working jointly on arrangements to build upon the work undertaken by the GPIT project, in the context of the restructuring of the health services and work undertaken under the auspices of my Department and the Health Service Executive to consider the future ICT needs of primary care.

#### **Care of the Elderly.**

50. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children when the Government policy on funding care of the elderly going into the future as announced in the Health Strategy 2001 will be published; and if she will make a statement on the matter. [8363/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I gather from the Deputy's question that he is referring to the working group established to examine policy on long-term care. The Mercer Report on the Future Financing of Long-Term Care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined all issues surrounding the financing of long-term care. Following on the publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs was established.

[Mr. S. Power.]

The objective of this group was to identify the policy options for a financially sustainable system of long-term care, including improvements in community care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the Review of the Nursing Home Subvention Scheme by Professor Eamon O'Shea. This group presented its report to Government, where it is under consideration. My Department, the HSE and the ICGP are currently working jointly on arrangements to build upon the work undertaken by the GPIT project in the context of the restructuring of the health services and work undertaken under the auspices of my Department and the Health Service Executive to consider the future ICT needs of primary care.

*Question No. 51 answered with Question No. 27.*

#### Medical Cards.

52. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to concerns expressed regarding demands from the Health Service Executive that patients provide a list of medications they are using when applying for a renewal of a medical card; her views on whether such a practice is consistent with the principles of patient confidentiality; and if she will make a statement on the matter. [8555/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The issue raised in 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.

53. **Mr. Costello** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to research produced by the Cystic Fibrosis Association showing that cystic fibrosis sufferers in the Republic are dying nine years earlier than their counterparts in Northern Ireland due to a basic lack of care; the steps being taken to address this situation; and if she will make a statement on the matter. [8537/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I wish to see significant improvement in the level of services available to persons with cystic fibrosis. I am aware of the current service deficits in this area which are widely acknowledged and which have been identified most notably in the Pollock report, and by the

Health Service Executive working group which is looking at this issue. As part of the overall funding for health services in 2006, additional revenue funding of €4.78 million has been allocated specifically for the development of cystic fibrosis services.

My Department is advised that the working group is due to report shortly and will be making specific recommendations on a range of service improvements required for persons with cystic fibrosis, in particular the need to increase the level of clinical, nursing and allied health professional staffing in cystic fibrosis units around the country. As part of the implementation process I have asked the HSE to address in particular the identified deficits at the national adult referral centre at St. Vincent's University Hospital in Dublin.

*Question No. 54 answered with Question No. 48.*

#### Hospital Hygiene Audit.

55. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if she is satisfied that hospital hygiene levels have improved; and if she will make a statement on the matter. [8350/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The first ever national hygiene audit took place last year. The results of this audit will form the basis for the changes that are required in both work environments and work practices so as to meet the highest possible standards of cleanliness in hospital settings. The second national hygiene audit of acute hospitals has commenced and will assess the extent of the improvements made at hospital level since the publication of the first audit report. I am confident that hospital hygiene will improve as there is now an increased awareness and resolve in all hospitals to attain the necessary high standards.

*Question No. 56 answered with Question No. 41.*

#### Proposed Legislation.

57. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children when legislation to clarify entitlements to health services will be introduced; and if she will make a statement on the matter. [8331/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Work has commenced on a new legislative framework to provide for clear statutory provisions on eligibility and entitlement for health and personal social services. The aim is to produce a clear set of statutory provisions that ensure equity and transparency and to bring the system up to date with developments in service delivery and technology that have occurred since

the Health Act 1970. This is a very complex task but the Department is working to prepare proposals without delay.

The Department is preparing legislation that will: define specific health and personal services more clearly; define who should be eligible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made; and provide for an appeals framework. I intend to publish legislation by the end of the year.

#### Health Service Staff.

58. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to fill paramedical staff vacancies in the community; and if she will make a statement on the matter. [8321/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy's question relates to human resource management issues which are a matter for the Health Service Executive, the parliamentary affairs division of the executive has been asked to respond directly to the Deputy in this matter.

While information on vacancies in health and social care professional, paramedic grades, is not collected as a matter of routine in my Department, information is however collected on employment levels. The latest available figures show an increase of 7,727, an increase of 130%, to 13,665 in the total number of health and social care professionals between end December 1997 and end September 2005. Numbers are given in whole time equivalents and reflect some grade re-categorisation over the period.

#### Accident and Emergency Services.

59. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children the communications she has had with the Health Service Executive in 2006 with regard to the position at Tallaght Hospital accident and emergency unit; and if she will make a statement on the matter. [8468/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The number of patients and the waiting times for patients awaiting admission at Tallaght Hospital is a matter of concern. My Department has been briefed by the executive on the position at the hospital and is advised that the executive is in discussion with the hospital on a number of measures designed to achieve improvements in accident and emergency services. I also met the chairman and chief executive of the hospital recently and in the course of the meeting the need for improved performance in this area was discussed.

*Question No. 60 answered with Question No. 44.*

#### Care of the Elderly.

61. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the role the health information quality authority will have in relation to standards of care of the elderly in public and private residential facilities; and if she will make a statement on the matter. [8327/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** In relation to the standard and quality of services and facilities in nursing homes the Nursing Homes (Care and Welfare) Regulations 1993, made under the Health (Nursing Homes) Act 1990, set out the standards to which private nursing homes must adhere. The Health Service Executive currently carries out inspections in private nursing homes. In the context of the Health Bill 2006 the process has begun to review the current system with a view to strengthening the powers available to those involved in inspecting facilities and to extend a strengthened inspection system to public facilities.

It is also intended that the Bill will provide for the setting and monitoring of standards for residential facilities for older people. In addition, the Department has commenced a review of the Nursing Homes (Care and Welfare) Regulations 1993, and is working in conjunction with the Health Service Executive, the social services inspectorate and the Irish Health Services Accreditation Board, IHSAB, with the intention of developing standards that will apply to all residential services for older people. It is intended that the Health Bill 2006 will establish both the health information quality authority and the social services inspectorate on a statutory basis and will contain provisions to underpin a more robust inspectorial system.

*Question No. 62 answered with Question No. 8.*

#### Hospital Services.

63. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the action she proposes to take on the configuration of children's hospital services in Dublin; and if she will make a statement on the matter. [8466/06]

88. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children when a decision will be made on the location of the proposed single specialised children's hospital and paediatric accident and emergency unit; and if she will make a statement on the matter. [8541/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 63 and 88 together.

On 3 February last, the Health Service Executive published a report on the delivery of tertiary paediatric services. Commissioned by the HSE at



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my request and prepared by McKinsey & Company, the report recommends that best outcomes for children should be provided by one national tertiary paediatric centre, which would also provide all secondary paediatric services for the greater Dublin area. Arising from the report's recommendations, a joint HSE-Department of Health and Children task group was established to progress matters and advise on the optimal location for the new facility. The group was asked to report within two months. My primary concern is to ensure we arrive at a solution which is in the best interests of the children of this country.

*Question No. 64 answered with Question No. 27.*

### **Mental Health Services.**

65. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her views on whether there is a huge deficit in the delivery of psychiatric services in the health care system here in view of recommendations of the report of the expert group on mental health policy, *A Vision For Change*; and if she will make a statement on the matter. [8374/06]

104. **Ms Enright** asked the Tánaiste and Minister for Health and Children if the recommendations of the report of the expert group on mental health policy, *A Vision For Change*, is now Government policy; and if she will make a statement on the matter. [8371/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 65 and 104 together.

The report of the expert group on mental health policy, *A Vision for Change*, was launched on 24 January 2006. This report is the first comprehensive review of mental health policy since *Planning for the Future* was published in 1984 and has been accepted by Government as the basis for the future development of mental health policy. The report proposes a holistic view of mental illness and recommends an integrated multi-disciplinary approach to addressing the biological, psychological and social factors that contribute to mental health problems. It proposes a person centred treatment approach which addresses each of these elements through an integrated care plan, reflecting best practice, and evolved and agreed with service users and their carers. Special emphasis is given to the need to involve service users and their families and carers at every level of service provision.

This policy envisions an active, flexible and community based mental health service where the need for hospital admission will be greatly reduced. It will require substantial funding but there is considerable equity in buildings and lands within the current mental health system, which

could be realised to fund this plan. Therefore, this report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to re-invest the resources released by these closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of *Planning for the Future* in 1984.

The programme of investment has already begun with an additional €25 million allocated to the HSE in the Estimates for 2006 for mental health services. Significant capital investment will also be required to implement *A Vision for Change* for the provision of new and replacement facilities for the mental health services. This has been estimated by the expert group to be of the order of €800 million and much of it could be realised from the value of existing hospitals and lands.

The Health Service Executive, which has primary responsibility for implementing the recommendations of the expert report has stated that the national mental health directorate within the HSE will immediately establish an implementation group to ensure the recommendations are realised in a timely and co-ordinated manner.

### **Health Services.**

66. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the number of patients suffering from mental or behavioural problems sent out of the State for treatment in 2003, 2004 and 2005; when the report on neurological services will be published; and if she will make a statement on the matter. [8545/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As part of the Estimates for health services in 2006, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services. This funding was provided to allow the Health Service Executive to further progress the implementation of the recommendations made by the former Comhairle na nOspidéal in respect of these services. The Comhairle report, which has been published, recommended significant enhancement of services, including the appointment of additional consultants. While reaching the full complement of consultant posts, as recommended, will take some time, major improvements in patient care can be achieved in the shorter term through a combination of additional consultant posts and the appointment of a number of clinical nurse specialists and allied health professionals.

My Department is advised by the executive that the development of three new neurology units — one in the mid-west, one in the north west and one in the south east — will commence during 2006 with the appointment of multi-dis-

ciplinary teams comprising consultant neurologists and support staff. The HSE will also invest in neurophysiology services in 2006, with the development of an innovative tele-neurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

On the Deputy's question regarding the number of patients suffering from mental or behavioural problems sent out of the State for treatment in 2003, 2004 and 2005, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and a reply issued directly to the Deputy.

### **National Drugs Strategy.**

67. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children if she will report on the activities planned for 2006 under the national drug awareness campaign as part of the national drug strategy. [4346/06]

**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 includes the development and implementation of drug awareness campaigns. These are now the responsibility of the Health Service Executive established 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 a reply issued directly to the Deputy.

*Question No. 68 answered with Question No. 27.*

### **Nursing Home Charges.**

69. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children the reason for the continued delay in making refunds in respect of moneys illegally deducted from long-stay patients; the role outside consultants will play in this process; the expected cost of the use of such outside consultants; if consideration has been given to using expertise within the public service with experience of assessing and making large numbers of claims, such as the Department of Social and Family Affairs; and if she will make a statement on the matter. [8557/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Government has agreed the key elements of a scheme for the repayment of long-stay charges for publicly funded residential care. All those fully eligible persons who were wrongly charged and are alive and the estates of all those who were wrongly charged and died since 9 December 1998 will have the charges repaid in full. Draft heads of a Bill for a repayment scheme were submitted to Government in

December and approved. The draft heads have been submitted to parliamentary counsel for drafting and it is my intention to have the Bill published in the current parliamentary session and have repayments commence shortly after the Bill is approved and signed into law.

In the preparation of the legislation there were many complex issues which required clarification. My Department had consultations with a wide range of Departments and agencies to ensure the provisions of the scheme adequately addressed these issues. These provisions included exempting from income tax those who are alive, to allow for repayments to take account of inflation by use of the consumer price index and to allow repayments to living persons and their spouses to be disregarded in means assessment for health and social welfare benefits. Consultations with the probate office of the High Court have also resulted in a streamlined process where a grant of probate is required for an application on behalf of a deceased person. The provisions of the Bill will also provide appropriate safeguards for those who are not in a position to manage their own affairs.

Extensive consultation has also taken place with the oversight committee appointed to provide an independent input into the design and monitoring of the scheme. The committee is fully briefed on all aspects of the scheme and has provided valuable input into the legislative process to date. The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive. Many of those eligible for repayments have already been identified as a result of initial payments made following my announcement in December 2004. In advance of the selection of an outside company, I have requested the HSE to begin to proactively identify and work up the details of repayments due to living persons to enable prompt repayments to be made. The scheme will include an independent transparent and thorough appeals process.

The Health Service Executive has responsibility for administering this repayment scheme, including the recruitment of an outside company to manage the scheme within the agreed parameters. This outside company will also provide an independent assessment of the amount of repayment due to each applicant under the scheme. It will also help to reassure the public that the scheme is being operated in the most equitable and effective manner possible. The HSE has recently re-advertised a new procurement process for the selection of a company to administer the scheme. As the selection process is by negotiated procedure, it is not possible at this stage to indicate the expected cost of such a company.

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As already indicated, the HSE is undertaking a procurement process to select this outside company. Consideration has been given to the involvement of public sector staff to assist in administering the scheme, albeit not specifically from the Department of Social and Family Affairs. The HSE has informed my Department that the time constraints of the procurement process do not allow for comprehensive consideration of these possible options, which would materially alter the specifications of the tendering documentation due to issue on 6 March.

#### **Departmental Funding.**

70. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the breakdown of the additional €9 million she has made available to the Health Service Executive for cancer services; and if she will make a statement on the matter. [8345/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I made available an additional €9 million to the Health Service Executive for the development of cancer services in 2006. 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 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 a reply issued directly to the Deputy.

#### **Hospital Services.**

71. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the communications she has had with the Health Service Executive in 2006 with regard to the position in Tralee Hospital; and if she will make a statement on the matter. [8464/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy will appreciate that the management and delivery of services at the hospital is the responsibility of the Health Service Executive in the first instance. As Minister, I am aware of the position regarding certain operational matters affecting the delivery of hospital services in different areas. With regard to Kerry General Hospital I have not been in formal contact recently with the Health Service Executive regarding services there.

72. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children the number of acute hospital beds here currently closed due to inadequate staffing, inadequate funding, ongoing renovations and repairs and other reasons; and if she will make a statement on the matter. [8462/06]

**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.

#### **Hospital Staff.**

73. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children the locations where she intends to recruit the 2,500 consultants she claims the health service needs; her timescale for employing these consultants; and if she will make a statement on the matter. [8333/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Implementation of the European working time directive will necessitate the following reductions in the working hours of all doctors: a maximum of 58 hours per week on average from 1 August 2004; a maximum of 56 hours per week on average from 1 August 2007; and a maximum of 48 hours per week on average from 1 August 2009. The national task force on medical staffing was charged with examining how this directive could be implemented without adversely affecting service delivery. Against the background of the required decrease in non-consultant hospital doctor, NCHD, working hours, the task force recommended the introduction of a consultant provided service and an increase in the number of consultants. It also made detailed recommendations on the number of consultants required in many specialties. The HSE, in consultation with my Department, will determine the location of these new consultant posts.

#### **General Practitioner Co-operatives.**

74. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the criteria to be used for the awarding of the contract for out of hours general practitioner service on the north side of Dublin; the reason for the delay in awarding the contract; and if she will make a statement on the matter. [8551/06]

**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 a reply issued directly to the Deputy.

#### **Nursing Home Care.**

75. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the steps she intends to

take to protect patients in all care settings in view of the revelation of further mismanagement of elderly patients at Leas Cross Nursing Home; and if she will make a statement on the matter. [8355/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** With regard to the standard and quality of services and facilities in nursing homes the Nursing Homes (Care and Welfare) Regulations 1993, made under the Health (Nursing Homes) Act 1990, set out the standards to which private nursing homes must adhere. The Health Service Executive currently carries out inspections in private nursing homes. In the context of the Health Bill 2006 the process has begun to review the current system with a view to strengthening the powers available to those involved in inspecting facilities and to extend a strengthened inspection system to public facilities.

It is also intended that the Bill will provide for the setting and monitoring of standards for residential facilities for older people. In addition, the Department has commenced a review of the Nursing Homes (Care and Welfare) Regulations 1993, and is working in conjunction with the Health Service Executive, the social services inspectorate and the Irish Health Services Accreditation Board, IHSAB, with the intention of developing standards that will apply to all residential services for older people. It is intended that the Health Bill 2006 will establish both the health information quality authority, HIQA, and social services inspectorate on a statutory basis and will contain provisions to underpin a more robust inspectorial system.

#### Alcohol Policy.

76. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the progress made to date on implementing the recommendations of the task force on alcohol; and if she will make a statement on the matter. [8600/06]

115. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the progress made to date on implementing the recommendations of the task force of alcohol; and if she will make a statement on the matter. [8741/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 76 and 115 together.

The strategic task force on alcohol was established in January 2002 and given a remit to recommend specific evidence based measures to Government to prevent and reduce alcohol related harm. It has published two reports which together provide approximately 100 recommendations across a wide range of sectors. Significant progress has already been made across

Departments in implementing the task force recommendations.

Legislative measures which have been adopted include the Intoxicating Liquor Act 2003 which assists in regulating availability. Happy hours have been abolished and restrictions on the access of children to licensed premises have been introduced. The Road Traffic Act 2003 extended the grounds for requesting a breath test to detect alcohol and the Minister for Transport has indicated his commitment to the introduction of random breath testing. A voluntary code of practice on alcohol advertising has been agreed between the Department of Health and Children and the drinks, media and advertising industries. This addresses many of the concerns about alcohol advertising. The Tánaiste has indicated her intention to introduce legislation if there is insufficient adherence to the voluntary code.

Significant progress has also been made in terms of research projects, the delivery of responsible server training, awareness raising campaigns, etc. Community mobilisation projects have been identified internationally as one of the most effective measures at reducing alcohol related harm. Resources have been allocated to the Health Service Executive to support the such projects in this country. As the Deputy will be aware the executive functions of this Department have transferred to the Health Service Executive which will now have responsibility for progressing many of the task force recommendations.

#### Medical Education.

77. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if her Department had discussions with the University of Limerick regarding a proposal to establish a postgraduate medical school; if the proposal is or ever was Government policy; and if she will make a statement on the matter. [8344/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 1 February I and the Minister for Education and Science, Deputy Hanafin, announced details of a major reform programme in undergraduate and postgraduate medical education and training, based on the recommendations in the Report of the Working Group on Undergraduate Medical Education and Training, chaired by Professor Pat Fottrell, and the Report of the Postgraduate Medical Education and Training Group, chaired by Dr. Jane Buttimer. Both reports were published on that date.

One of the agreed reforms at undergraduate level involves the introduction of a new graduate entry programme for medicine from 2007, as part of the overall expansion of medical places for Irish and EU students from 305 to 725 places over a four year period. At the request of the president of the University of Limerick, I met a delegation from the university on 30 January 2006. The purpose of the meeting was to brief me on the uni-

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versity's proposal for the provision of a new graduate entry programme in medical education. Responsibility for decisions as to the appropriate arrangements for the provision of graduate entry programmes will rest with the Higher Education Authority. I understand that, in accordance with the recent Government decision on the Fottrell and Buttimer reports, the authority will issue shortly a call for proposals for the provision of new graduate entry programmes from 2007.

*Question No. 78 answered with Question No. 23.*

*Question No. 79 answered with Question No. 33.*

*Question No. 80 answered with Question No. 22.*

### Health Services.

81. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children when the report on neurological services will be published; and if she will make a statement on the matter. [8542/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** As part of the Estimates for health services in 2006, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services. This funding was provided to allow the Health Service Executive to further progress the implementation of the recommendations made by the former Comhairle na nOspidéal in respect of these services. The Comhairle report, which has been published, recommended significant enhancement of services, including the appointment of additional consultants. While reaching the full complement of consultant posts as recommended will take some time, major improvements in patient care can be achieved in the shorter term through a combination of additional consultant posts and the appointment of a number of clinical nurse specialists and allied health professionals.

My Department is advised by the executive that the development of three new neurology units will commence during 2006, one in the mid-west, one in the north west and one in the south east, with the appointment of multi-disciplinary teams comprising consultant neurologists and support staff. The HSE will also be investing in neurophysiology services in 2006, with the development of an innovative teleneurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

*Question No. 82 answered with Question No. 22.*

*Question No. 83 answered with Question No. 48.*

### Hospital Reports.

84. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when she intends publishing the mapping of hospital processes inquiry carried out by the Health Service Executive on her behalf; and if she will make a statement on the matter. [8337/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is advised by the Health Service Executive that the process mapping report referred to by the Deputy is currently at draft stage. The executive has established a group, chaired by the temporary director of the National Hospitals Office, to evaluate the report, its implications and its implementation. The date of publication of the report will be decided shortly.

### Diabetes Incidence.

85. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her views on the Joint Committee on Health and Children being told that the increase in type 2 diabetes has reached crisis levels; if her attention has been drawn to the fact that people are getting the disease at a younger age and the average delay in diagnosis has moved from seven to 12 years; her views on the call for national screening for eye problems in particular and for implementation of care services including foot services; and if she will make a statement on the matter. [8549/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The national task force on obesity reported an increase in type 2 diabetes and that it is affecting people at a younger age. Additional funding of €3 million has been made available to the Health Service Executive to support the implementation of the report's recommendations.

The national diabetes working group submitted its report to the Tánaiste last summer. The report was forwarded to the chief executive of the Health Service Executive in October 2005. The HSE is treating the matter as a priority. It is currently considering the policy guidelines issued from my Department and is putting in place a structure to action the report. The issues raised by the Deputy 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 this matter investigated and to have a reply issued directly to the Deputy.

*Question No. 86 answered with Question No. 27.*

### Emergency Services.

87. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the progress made in regard to the need to resolve the lack of co-ordination and the duplication of services between the Health Service Executive ambulance service and the fire brigade ambulance service in the greater Dublin area; when the report on neurological services will be published; and if she will make a statement on the matter. [8546/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The first part 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. Pre-hospital emergency care services in the eastern region are provided by the executive and Dublin City Council through Dublin Fire Brigade. My Department is advised by the executive that a review of command and control arrangements in the eastern region is currently being undertaken by representatives from the executive and Dublin City Council. My Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy on this matter.

With regard to the second part of the Deputy's question, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services as part of the Estimates for health services in 2006. This funding was provided to allow the Health Service Executive to further progress the implementation of the recommendations made by the former Comhairle na nOspidéal in respect of these services. The Comhairle report, which has been published, recommended significant enhancement of services, including the appointment of additional consultants. While reaching the full complement of consultant posts as recommended will take some time, major improvements in patient care can be achieved in the shorter term through a combination of additional consultant posts and the appointment of a number of clinical nurse specialists and allied health professionals.

My Department is advised by the executive that the development of three new neurology units will commence during 2006, one in the mid-west, one in the north west and one in the south east, with the appointment of multi-disciplinary teams comprising consultant neurologists and support staff. The HSE will also be investing in neurophysiology services in 2006, with the development of an innovative teleneurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

*Question No. 88 answered with Question No. 63.*

### Hospital Waiting Lists.

89. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children the number of patients waiting for elective procedures by hospital at over three months, over six months, and over 12 months at the latest date for which figures are available; the equivalent data in respect of children; the data available on the waiting times for public patients to see a specialist; when the report on neurological services will be published; and if she will make a statement on the matter. [8544/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the collection and reporting of waiting lists and waiting times now falls within the remit of the National Treatment Purchase Fund, NTPF. My Department has, therefore, asked the chief executive of the NTPF to reply to the Deputy directly with the requested information.

Data on out-patient waiting times are not collated nationally by my Department. The management of out-patient waiting lists and waiting times is, in the first instance, a matter for the Health Service Executive and the individual hospitals concerned. However, in 2005 I asked the NTPF to examine the needs of patients waiting longest on out-patient waiting lists. As a result, the NTPF set up a number of out-patient pilot projects around the country. The outcome was that approximately 4,400 persons, who had been waiting longest in a number of specialties, received consultations at out-patient level in private hospitals. The NTPF intends to expand their out-patient initiative in 2006.

With regard to the second part of the Deputy's question, additional funding of €3 million was allocated specifically for the further development of neurology and neurophysiology services as part of the Estimates for health services in 2006. This funding was provided to allow the Health Service Executive to further progress the implementation of the recommendations made by the former Comhairle na nOspidéal in respect of these services. The Comhairle report, which has been published, recommended significant enhancement of services, including the appointment of additional consultants. While reaching the full complement of consultant posts as recommended will take some time, major improvements in patient care can be achieved in the shorter term through a combination of additional consultant posts and the appointment of a number of clinical nurse specialists and allied health professionals.

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neurophysiology services in 2006, with the development of an innovative teleneurophysiology link between Sligo General Hospital and Beaumont Hospital. This initiative is designed to reduce waiting times for diagnostic testing.

### **Avian Influenza.**

90. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children the procedures in place to guard against the possible spread of H5N1 avian flu virus to the human population; if she has satisfied herself that such procedures are adequate; and if she will make a statement on the matter. [8534/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I am satisfied with progress on preparedness for a possible flu pandemic and with public health actions in response to a possible outbreak of avian flu in Ireland. For the sake of clarity, H5N1 avian flu is primarily a disease of birds. To date, there have been a very small number of human cases of H5N1 infection documented, in situations where there has been very close contact with infected birds. There is no evidence of human to human transmission.

The Department of Agriculture and Food is responsible for controlling avian flu in birds and mammals other than humans. That Department has put in place a range of measures aimed at maintaining Ireland's avian flu-free status. The health sector's role with regard to avian flu relates to the human health implications that would arise were there to be an outbreak of avian flu in this country. My Department is working very closely with the Department of Agriculture and Food in this context.

The Department of Agriculture and Food is also an active participant in my Department's influenza pandemic expert group. A sub-group of the expert group has developed guidance documents for use in the event of an avian influenza outbreak in animals in Ireland. Guidance on the investigation and management of suspected human cases of avian influenza has also been developed and circulated within the health system. These guidance documents are available on the HSE health protection surveillance centre website, [www.hpsc.ie](http://www.hpsc.ie).

The overall aims of influenza pandemic planning are to reduce mortality and morbidity and to minimise the resulting disruption to society. In line with information and evidence available internationally, my Department has consistently stated that the consequences of a global pandemic are likely to be serious. Pandemic planning can only mitigate the effects.

I would like to draw a very clear distinction between the current avian flu outbreak and the possibility of a future pandemic influenza in the human population. Experts advise that such a pandemic may arise as a result of the current

H5N1 avian flu situation, but this is by no means inevitable. My Department and the Health Service Executive are working closely together on pandemic planning. This work is ongoing on a number of fronts, as follows: the influenza pandemic expert group is updating expert guidance; the pandemic influenza operational response plan is being updated in line with the most up to date expert advice.

This work is being progressed through working or implementation groups established by the HSE to address actions within the following functional areas — surveillance, health services, public health measures, vaccines and antivirals etc., communications, laboratories and materials management. My Department is a member of the HSE steering group and is also actively involved in the vaccines and antivirals and communications groups. My Department has established a standing interdepartmental committee to consider issues which go beyond the health aspects of an influenza pandemic.

Arrangements have been made to procure a stockpile of H5N1 vaccine for key health care workers and other essential workers. My Department is also actively pursuing an advanced purchase order for a pandemic strain vaccine. We are stockpiling 1 million treatment packs of the antiviral drug, Tamiflu. Some 600,000 packs have already been delivered. The remaining 400,000 packs will be delivered this year. Arrangements have also been made to purchase a supply of the active pharmaceutical ingredient oseltamivir phosphate powder to treat children aged between one to five years of age. Arrangements are also being finalised for the stockpiling of additional supplies of the other suitable antiviral drug, Relenza.

### **Accident and Emergency Services.**

91. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children her views on the fact that the Irish Nurses Organisation figures for people on trolleys in accident and emergency units are correct; her plans to deal with the accident and emergency crisis in hospitals here; and if she will make a statement on the matter. [8607/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department is in ongoing discussions with the Health Service Executive with regard to the need for improvement in the accident and emergency services, with a particular focus on reducing the numbers on trolleys and the waiting times for patients in individual hospitals. There is a need to build on the existing action plan for accident and emergency services and, in particular, to adopt a more focused approach that concentrates on individual hospital performance. Arising from the discussions with the HSE, a number of proposals have been agreed, including provision for specific perform-

ance improvement targets for individual hospitals.

I am also of the opinion that media debates about the differences in numbers between the trolley count taken by the HSE and that taken by the INO add no value. Accordingly, it has been agreed that the HSE trolley count will in future be undertaken at the same time as the INO count, that is, at 8 a.m., as well as at the normal time of 2 p.m.

#### Obesity Levels.

92. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the progress made to date on the implementation of the recommendations of the task force on obesity; and if she will make a statement on the matter. [8601/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The report of the national task force on obesity, Obesity the Policy Challenges, was presented to the Taoiseach in May 2005. The report contains 93 recommendations aimed at tackling overweight and obesity. These relate to actions across six broad sectors: high-level Government; education; social and community; health; food, commodities, production and supply, and the physical environment.

Additional funding of €3 million has been made available to the Health Service Executive to support the implementation of the report's recommendations. The strategic planning and reform implementation of the Health Service Executive have approved the following projects to take place this year: expanding the healthy food made easy programme; recruiting four physical activity officers to target obesity in all settings, providing four specialist community dietitian posts for obesity and weight management to support all initiatives; the procurement of equipment for growth monitoring; and further progress work with the food service sector on healthy food provision.

A multi-sectoral and multi-disciplinary approach is required to implement the recommendations arising from a range of health promotion policies including the report of the national task force on obesity, which was launched in May 2005. The Department is currently considering how this approach could be advanced.

#### Nursing Homes.

93. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the report on deaths in Leas Cross nursing home will be published; and if she will make a statement on the matter. [8367/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Service Executive has informed my Department that a draft copy of the report was received by the HSE Dublin north area on the evening of Thursday, 9 February 2006. It is understood from the HSE that this draft is currently being reviewed. The final report cannot be prepared until this process is completed. It is hoped that this process will be finalised by mid April 2006.

#### Child Care Services.

94. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the large number of children who enter here unaccompanied and subsequently disappear; the measures she intends to take to safeguard against such disappearances; and if she will make a statement on the matter. [3569/06]

**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, HSE, under the Health Act 2004. Accordingly, my Department requested the parliamentary affairs division of the executive to arrange to have this matter investigated.

The HSE advises that it has a system in place to notify the appropriate authorities with regard to missing children or young people. The largest number of the young people reported missing were residing in the eastern region, where there is an agreed template for reporting such an occurrence to the Garda, who are responsible for investigating. This template includes a photograph and physical description. The following agencies and personnel are also notified: Garda National Immigration Bureau, which monitors overall patterns and provide relevant information to local gardaí; child care manager, for circulation to CCM colleagues nationally; supt. community welfare officer, asylum seekers unit, for flagging on the national social welfare record system; Office of the Refugee Applications Commissioner, for circulation to other relevant asylum process agencies.

The child's name is added to the missing persons database in the separate children seeking asylum office. In some Garda districts, there are now regular reviews of missing children. At present the majority of separated children seeking asylum are accommodated in hostel type accommodation. This type of accommodation provides full board but does not include child care supports. Staffing levels reflect the need to meet minimum standards under fire safety legislation and do not include professional child care staff as part of the contract with proprietors. The specific child care and child protection elements of the service are provided by a dedicated social work team.



[Mr. B. Lenihan.]

I can advise that, on 7 December 2005, my office met with the social services inspectorate and the HSE to discuss the issue of accommodation standards for separated children seeking asylum. It was agreed at the meeting that the standards for children in residential care will apply to accommodation for separated children 16 years of age and under. With regard to accommodation for those in the 17 to 18 year age group the same standards will apply, subject to guidance notes which are being drafted by the SSI in consultation with the HSE.

I am also advised by the HSE that currently there are a number of separated children in foster care and these arrangements are very satisfactory in terms of the service provided and the level of support offered to the children who benefit from them. In most cases these placements are taken up by the youngest or otherwise most vulnerable of the client group. In addition, six children are accommodated in a fully registered children's home in Tallaght. These children are cared for by a full, professionally qualified child care staff.

I wish to advise the Deputy that the HSE commissioned a review of services provided to separated children seeking asylum or unaccompanied minors in 2005. I have received a copy of this report which is under examination in my office and in that regard I have asked that an inter-departmental working group be established to consider the issues involved.

#### Care of the Elderly.

95. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children her views on the recent NESF report on the care of older people; and if she will make a statement on the matter. [8328/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The National Economic and Social Forum report on care for older people was launched on 29 January 2006. The Department will be studying this report and will also be discussing it with the HSE in due course.

As the Deputy may be aware the Tánaiste, and Minister for Social and Family Affairs, Deputy Brennan, established a working group to identify the policy options for a financially sustainable system of long-term care, including improvements in community care and home care packages. The report of the working group on the future financing of long-term care has been presented to Government, where it is under consideration.

*Question No. 96 answered with Question No. 44.*

#### Cancer Screening Programme.

97. **Ms Burton** asked the Tánaiste and Minister

for Health and Children if her attention has been drawn to the claim made by the former director of BreastCheck (details supplied) that breast cancer sufferers in remote rural areas face more than double the risk of having a mastectomy compared with women treated in Dublin due to the lack of screening facilities; the steps she is taking to address this situation; when the BreastCheck service will be available on a national basis; and if she will make a statement on the matter. [8535/06]

101. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she will report on progress to date in 2006 on the roll-out of BreastCheck; and if she will make a statement on the matter. [8463/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 97 and 101 together.

I recently met with representatives of BreastCheck and they are fully aware of my wish to have the programme rolled out nationally as quickly as possible. For this to happen, essential elements of the roll out must be in place including adequate staffing, effective training and quality assurance programmes. I have made additional revenue funding of €2.3 million available to BreastCheck this year to provide among other things for the early recruitment and training of staff. BreastCheck is confident that the target date of 2007 for the commencement of roll out to southern and western regions will be met; a more exact date for roll out will depend on the availability of adequately trained medical and technical staff, particularly radiographers.

BreastCheck recently interviewed for clinical directors for both regions and is in the process of making appointments. BreastCheck is also recruiting radiographers and a second consultant radiologist for each region. BreastCheck also recently received planning permission for the screening unit at University College Hospital Galway and is now proceeding to tender for its construction. BreastCheck is awaiting planning permission for the unit at the South Infirmar-Victoria Hospital, Cork.

#### Health Services.

98. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the progress which has been made in ensuring access for radiotherapy patients from the north west in Belfast; the number of patients that have received treatment there to date; and if she will make a statement on the matter. [8550/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Discussions have taken place between representatives of my Department, the Department of Health, Social Services and Public Safety and of Belfast City Hospital, BCH. It has

been agreed that the most effective strategy to deliver radiation oncology to patients in Donegal at BCH is to commission Co-operation and Working Together, CAWT, which has a track record of successfully managing cross-Border projects.

A project board involving the relevant stakeholders, together with a project manager, is to be appointed shortly to deliver on the commitment to cancer patients in Donegal. Radiation oncology services at BCH will commence later this month for cancer patients in Northern Ireland as part of the hospital's integrated and comprehensive cancer care programme which I expect will be among the best in Europe.

#### **Hospital Accommodation.**

99. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of public long stay beds for the elderly in 1997; the number of public long stay beds for the elderly in 2006; and if she will make a statement on the matter. [8330/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's questions relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Service Reports.**

100. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the health service reports, commissioned in the past ten years, she expects to use as a model for the administration of health services; the way in which it is intended to achieve transparency, accountability and value for money in view of the experiences since the abolition of the health boards; and if she will make a statement on the matter. [8576/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Over the past ten years reports have been prepared in respect of many different aspects of health and personal social services. These range from services for children to services for older people and from acute hospital services to primary health care services. Such reports provided information, data or analysis which informed the development of health strategy, policy or services.

The Deputy asked about the model for the administration of health services and the achievement of transparency, accountability and value for money. The report of the commission on financial management and control systems in the health service, from 2003, and the audit of struc-

tures and functions in the health system, also from 2003, have greatly informed the preparation of the Government's health service reform programme, which is currently being implemented. Examples of pivotal reports in specific areas of service provision include the report of the expert group on mental health policy and the report of the National Cancer Forum, Strategy for Cancer Control in Ireland 2006, which is due to be published shortly.

*Question No. 101 answered with Question No. 97.*

#### **Medical Cards.**

102. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the number of the 30,000 additional full medical cards that were promised in November 2004 that have been issued; the number and percentage of the population covered by full medical cards at the latest date for which figures are available; and if she will make a statement on the matter. [8539/06]

112. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number of the promised 200,000 general practitioner cards that have been issued to date; if she has satisfied herself with the roll-out of these cards; and if she will make a statement on the matter. [8540/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 102 and 112 together.

Information supplied to my Department by the primary care reimbursement service of the Health Service Executive, HSE, for February 2006 indicates there are 1,159,794 persons covered for services under the general medical services scheme who are medical holders, representing approximately 28% of the estimated current national population. This is 14,711 higher than the HSE's figure for January 2006, which represents December 2005 activity. A further 9,984 people currently hold general practitioner, GP, visit cards.

Since 2005 I have made significant improvements to the way in which people's eligibility for medical cards and GP visit cards is assessed. In January 2005, I increased the income guidelines used in the assessment of medical card applications by 7.5%. In June 2005, I simplified the means test for both medical cards and GP visit cards. It is now based on an applicant's and spouse's income after tax and PRSI and takes account of reasonable expenses incurred in respect of rent or mortgage payments, child care and travel to work. This is much fairer to applicants.

I announced on 13 October 2005 that the income guidelines for both medical cards and GP visit cards would be increased by an additional 20%. This means the income guidelines are now

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29% higher than they were at the end of 2004. It will be noted that the income assessment guidelines based for GP visit cards are 25% higher than those used for medical cards. The HSE has publicised these changes to encourage people to apply and has made the application process as simple as possible.

In December 2005, my Department asked the HSE to take account of the welfare, taxation and other changes announced in the budget on the operation of the income guidelines and to identify any changes which may be required in order to ensure that medical cards and GP visit cards continue to be available to those who need them. The HSE has recently responded and its report is under consideration. My Department and the HSE will continue to monitor the number of cards issued and will examine any further changes to ensure the targets of an additional 30,000 medical cards and the provision of 200,000 GP visit cards are met.

#### **Hospitals Building Programme.**

103. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children her views on whether her plans for 1,000 new private beds on public hospital grounds remains a viable option if the consultant contract talks fail and if she has to implement public only contracts; and if she will make a statement on the matter. [8335/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The new consultant's contract will set out in detail formal employment arrangements for consultants practising exclusively in the public sector. The impact of the new contract on proposals to locate private facilities on public hospital sites will be considered as part of the transition arrangements under the new contract.

*Question No. 104 answered with Question No. 65.*

#### **Sudden Cardiac Death Syndrome.**

105. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children when the report on sudden cardiac deaths will be published; and if she will make a statement on the matter. [8543/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** In September 2004, a national task force on sudden cardiac death was established in order to address the problem in Ireland. The task force, chaired by Dr. Brian Maurer, will make recommendations on the prevention of sudden cardiac death and on the detection of those at high risk. The task force will also advise on equipment and training programmes to improve the outcome in those suffering from sudden cardiac collapse and on the establishment of

appropriate surveillance systems. The report was launched this morning.

#### **National Treatment Purchase Fund.**

106. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if people awaiting neurosurgery can be treated under the National Treatment Purchase Fund scheme; the number of people who had neurosurgery on the National Treatment Purchase Fund scheme to date; if anyone was sent abroad to have such surgery; if anyone was treated in a hospital other than Beaumont Hospital in the Republic of Ireland; if any were treated in a private hospital in the Republic of Ireland; and if she will make a statement on the matter. [8332/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** In general, patients waiting more than three months on an inpatient neurosurgical waiting list can qualify for treatment under the National Treatment Purchase Fund, NTPF. However, within this specialty there are some treatments of a very specialised nature requiring the skills of specific consultant neurosurgeons and multidisciplinary teams and for reasons of complexity these cases are best treated within the public sector.

To date, over 500 people have been referred for neurosurgical procedures under the NTPF. The majority have been referred to private hospitals in Ireland, Northern Ireland and the United Kingdom. A small number have received treatment in Beaumont Hospital and Cork University Hospital.

*Question No. 107 answered with Question No. 42.*

*Question No. 108 answered with Question No. 8.*

109. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to whether the National Treatment Purchase Fund has issued instructions to its employees not to deal with inquiries from Oireachtas Members or other elected representatives; if the Health Service Executive has issued similar instructions; and if she will make a statement on the matter. [8465/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department has been informed by the chief executive of the National Treatment Purchase Fund, NTPF, that it continues to deal with queries and representations from Deputies on behalf of constituents. If the Deputy has a particular instance in mind, he should contact the chief executive of the fund directly in order to resolve the matter.

The Deputy will be aware that arrangements have been put in place by the Health Service

Executive, HSE, to facilitate the provision of information to Oireachtas Members. I wrote to Members on 19 January 2006 advising of these arrangements and providing the contact details for that purpose.

*Question No. 110 with Question No. 38.*

*Question No. 111 answered with Question No. 27.*

*Question No. 112 answered with Question No. 102.*

### **Child Care Services.**

113. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the funding available for the building of a crèche child care centre; the way in which a person can apply for the funding; the criteria which must be met; and if she will make a statement on the matter. [8734/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** As the Deputy may be aware, the national childcare investment programme from 2006 to 2010 is being implemented by the newly established office of the Minister of State at the Department of Health and Children with special responsibility for children, Deputy Brian Lenihan. This programme builds on the success of the Equal Opportunities Childcare Programme 2000-06, EOCP, which will conclude in 2007. The new programme aims to provide a proactive response to the development of quality child care supports and services that are grounded in an understanding of local child care needs.

To achieve this approach arrangements are being put in place with the city and county child care committees, CCCs, to facilitate the initial development stage of applications for grant assistance for child care facilities at local level. Both private and community-not for profit sector child care providers may apply for capital funding under the new programme by completing expression of interest forms, which will be available from their local CCCs. The CCCs will provide the necessary assistance to applicants in developing their application to the pre-appraisal stage.

At the appropriate stage in the process applications will be forwarded by the CCCs to Pobal, which administers the programme on behalf of the office of Minister of State with special responsibility for children. Pobal will carry out a technical appraisal of the applications and make recommendations to the office. Decisions on the applications will be made by the office within the Department of Health and Children.

Private sector child care providers may apply for grant assistance of up to €100,000 towards the capital cost of developing a child care service in

a catchment area where there is a demonstrated child care need. An applicant may apply for more than one grant under this scheme provided the subsequent child care facilities are in different catchment areas and subject to an overall ceiling of €500,000 per applicant. In each case, an applicant must provide at least 25% of the total cost of the project. All grant payments will be subject to the relevant criteria having been met, including demonstrated local need, quality of the proposal and value for money. Community-not for profit child care providers may apply for grant assistance up to a maximum of €1 million per project. Expression of Interest forms will be available later this month. In the meantime existing applications will continue to be processed.

*Question No. 114 answered with Question No. 26.*

*Question No. 115 answered with Question No. 76.*

### **Mental Health Services.**

116. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the action she proposes to take to implement the mental health expert group's report, *A Vision for Change*; and if she will make a statement on the matter. [8743/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The report of the Expert Group on Mental Health Policy, *A Vision for Change*, was launched on 24 January 2006. The report proposes a holistic view of mental illness and recommends an integrated multi-disciplinary approach to addressing the biological, psychological and social factors that contribute to mental health problems. It proposes a person centred treatment approach that addresses each of these elements through an integrated care plan, reflecting best practice and evolved and agreed with service users and their carers. Special emphasis is given to the need to involve service users and their families and carers at every level of service provision.

This policy envisions an active, flexible and community based mental health service where the need for hospital admission will be greatly reduced. It will require substantial funding but there is considerable equity in buildings and lands within the current mental health system, which could be realised to fund this plan. Therefore, this report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to re-invest the resources released by these closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of *Planning for the Future* in 1984.

[Mr. T. O'Malley.]

The Health Service Executive, which has primary responsibility for implementing the recommendations of the expert report, has stated the national mental health directorate within the HSE will immediately establish an implementation group to ensure that the recommendations are realised in a timely and co-ordinated manner. I will also shortly appoint a group at national level, as recommended in the report, to monitor the implementation of its recommendations.

#### **Housing Aid for the Elderly.**

117. **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. [8616/06]

**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 Environment, Heritage and Local Government. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

118. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the specific training given to people on FÁS community employment schemes who are employed by voluntary organisations to care for people with ABI; the structures are in place to monitor the voluntary organisations that care for people with ABI; and if she will make a statement on the matter. [8631/06]

**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.

119. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the rehabilitation facilities available in the Carlow area for a person (details supplied). [8638/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and per-

sonal 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.

120. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the average waiting period for admission to each of the nursing homes in Dublin 2, 4, 6 and 8. [8639/06]

121. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the average annual cost for each of the nursing homes in Dublin 2, 4, 6 and 8. [8640/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 120 and 121 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, 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.**

122. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Galway did not receive a bed for two weeks under the winter initiative scheme for the elderly following their admission to a nursing home when they required full time care and attention. [8670/06]

**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.

#### **Pension Provisions.**

123. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the position regarding nurses having retired with full pension returning to work on a temporary basis in respect of their payment of pension. [8672/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Pensions (Abatement) Act 1965 provides the legislative basis for the suspension or reduction of an allowance-pension where, after retirement, a scheme pensioner is employed in an agency or organisation in which the superannuation scheme paying the pension applies.

Remuneration plus pension for the specified period should not exceed the uprated remuneration for the post from which the pensioner retired.

My Department issued a circular, No. 21/2005, in October 2005 with new arrangements applying to the abatement of public health sector pensions. In effect, pensioners working in agencies or organisations covered by the scheme from which their pensions are paid can earn up to 50% of the uprated remuneration of the former post, before abatement applies.

#### Departmental Schemes.

124. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the statutory basis for the disabled person's top-up grant scheme operated by the health board; if a copy of the qualifying criteria and administrative rules and procedures governing the processing of grant applications will be provided to this Deputy and the Houses of the Oireachtas Library; and if she will make a statement on the matter. [8696/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** While the Health Service Executive assists the Department of the Environment, Heritage and Local Government and the local authorities in carrying out the assessment for the disabled person's grant, the scheme to which the Deputy refers does not come under the remit of my Department. Accordingly, the Deputy may wish to contact my colleague, the Minister for the Environment, Heritage and Local Government, regarding this matter.

#### National Cancer Strategy.

125. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the new national cancer strategy; when she intends to publish same; and if she will make a statement on the matter. [8710/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I received the Strategy for Cancer Control in Ireland 2006 from the chairman of the National Cancer Forum in January. I am currently examining it with a view to bringing proposals to the Government. I expect to have the strategy published shortly.

The strategy recommends a whole-population approach to cancer care, with a strong emphasis on integration and holistic care together with a strong focus on patients, their families and carers. It recommends greater emphasis on health promotion, prevention and on addressing inequalities. It also makes recommendations in relation to organisation, governance, quality assurance and accreditation across the continuum of cancer care from prevention and health promotion through to treatment, supportive and palliative care. It is a policy document which aims to reduce our cancer

incidence, morbidity and mortality rates relative to other EU15 countries.

#### Hospital Services.

126. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position regarding the provision of radiotherapy services at Waterford Regional Hospital; and if she will make a statement on the matter. [8711/06]

**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 this matter investigated and to have a reply issued directly to the Deputy.

#### Health Services.

127. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the designated funding contained in the funding provided by her Department to the Health Service Executive in 2006 for transport for cancer patients who must travel long distances to avail of radiotherapy services; and if she will make a statement on the matter. [8712/06]

**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 last 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.

#### Hospital Accommodation.

128. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide funding for six dedicated palliative care beds as an emergency measure at Waterford Regional Hospital; and if she will make a statement on the matter. [8713/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** 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, 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.

129. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the urgent proposals she has to provide a designated oncology ward at Waterford Regional Hospital; and if she will make a statement on the matter. [8714/06]

**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.

#### **Appointments to State Boards.**

130. **Mr. Nolan** asked the Tánaiste and Minister for Health and Children the names of all board appointments made by her for the past five years; and if she will make a statement on the matter. [8715/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** My Department has compiled the requested information which has been forwarded to the Deputy under separate cover due to the volume of data involved. The Deputy should note that this list takes no account of duplicate entries in the case of board members who may have been re-appointed to a board or appointed to more than one Board within the timeframe involved.

#### **Nursing Home Subventions.**

131. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the criteria for assessing the contributions of an elderly patient in residential nursing home care who owns their own home and has some money in the bank; and if she will make a statement on the matter. [8753/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy will be aware, the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds. General rules for the assessment of means in respect of an application for nursing home subvention are set out in the Second Schedule of the Nursing Homes Regu-

lations 1993 and as amended by the 2005 regulations.

Under the regulations the Health Service Executive, when considering an application for subvention, carries out a means test which takes into account the means of the applicant and his or her spouse or cohabiting partner, where appropriate, and the assets of the applicant. The means test is carried out by the Health Service Executive and involves looking at the applicant's income for the previous 12 months. Income from all sources is taken into account and is assessed net of PRSI, income tax and the health contribution and the income of a married or cohabiting person is taken to be half the total income of the couple. In assessing an applicant's assets the first €11,000 of such assets is disregarded. The HSE may refuse to pay a subvention if an applicant has assets exceeding €36,000, excluding their principal residence.

On the principal private residence of an applicant, the HSE imputes an income of 5% of the estimated market value of the principal residence of an applicant for subvention, unless the residence is occupied by a spouse or son or daughter aged less than twenty one years or in full time education or in receipt of a social welfare pension or allowance as set out in the 2005 regulations.

The HSE may refuse to pay a subvention if the value of the applicant's principal residence is in excess of €500,000 or more, where the residence is located in the Dublin area, or €300,000 or more, where the residence is located outside the Dublin area, and the residence is not occupied by a spouse, a son or daughter aged less than 21 years or in full time education, or a relative in receipt of a social welfare pension or allowance as set out in the 2005 regulations.

#### **Hospital Services.**

132. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the instructions she proposes to issue to the Health Service Executive with a view to addressing the serious issue of patients waiting on trolleys for attention at Naas General Hospital, Naas, County Kildare; if her attention has been drawn to the anxiety, pain and suffering of patients, relatives and friends in this situation; if she will issue instructions to facilitate approval in respect of the final phase of the Naas hospital development plan; if she expects to be in a position to do so in early date; if all staff requirements at the hospitals have been or will be met in early date; when she expects to see a reduction in the use of trolleys; if she will give an assurance of an early improvement in the situation. [8761/06]

136. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when she proposes to eliminate the widespread use of hospital trolleys in lieu of beds at Naas General Hospital,

Naas, County Kildare; and if she will make a statement on the matter. [8765/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 132 and 136 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. The HSE is responsible for considering new capital proposals and progressing them under the health capital programme. Accordingly, the Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

*Question No. 133 answered with Question No. 44.*

#### **MRSA Incidence.**

134. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of MRSA cases recorded to date; if the number of incidences are on the decrease or otherwise; and if she will make a statement on the matter. [8763/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Protection Surveillance Centre collects data on MRSA bacteraemia, also known as bloodstream infection or blood poisoning, for the purposes of the surveillance, prevention and control of MRSA as part of the European Antimicrobial Resistance Surveillance System. The European system, which collects data on the first episode of bloodstream infection per patient per quarter, was designed to allow comparison of antimicrobial resistance data between countries and possibly regions but not between hospitals. The Irish data for the system, which is published on a quarterly basis by the HPSC, showed that 553 cases of MRSA were reported in 2004. The figure for the first nine months of 2005 is 454. Ireland will participate this year 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 give the Department of Health and Children and the Health Service Executive 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 be compared with similar data obtained in England, Scotland, Wales and Northern Ireland.

#### **Mental Health Services.**

135. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will give an assurance that the moneys realisable from the sale of psychiatric hospitals is likely to be

sufficient to provide the level of community care required; and if she will make a statement on the matter. [8764/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The report of the expert group on mental health policy, *A Vision for Change*, which was launched on 24 January last, outlines an active, flexible and community-based mental health service in which the need for hospital admission will be greatly reduced. Such a policy would require substantial funding. As there is considerable equity in buildings and lands in the mental health system that could be realised to fund the plan, the report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to reinvest the resources released by such closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, along with the expansion of community services, has been the policy of the Government since the publication of *Planning for the Future* in 1984.

*A Vision for Change* recommends that a four-stage process be pursued to effect the closure of psychiatric hospitals. First, the measures required to enable admission to cease should be identified and put in place. Second, admissions to the hospital should be ceased and plans for the relocation of existing patients should be drawn up. Third, plans for the relocation of existing patients should be implemented. Fourth, the hospital should be finally closed. The report emphasises that the process should take place on a phased basis with wards closing sequentially. The Health Service Executive anticipates that the closure of mental hospitals and the reinvestment of the proceeds will take place on a phased basis. It has emphasised that hospitals can close when the clinical needs of the remaining patients have been addressed in more appropriate settings, such as additional community residences, day hospitals and day centres. There will also have to be a substantial increase in the number of the well-trained, fully staffed, community-based and multi-disciplinary community mental health teams, in line with the recommendation in *A Vision for Change*.

*Question No. 136 answered with Question No. 132.*

#### **Health Services.**

137. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has devolved full control and authority including accountability to the Houses of the Oireachtas and to the Health Services Executive; if the Health Service Executive will in future determine its own budget or if the budget will derive from moneys voted to her Department; and if she will make a statement on the matter. [8766/06]



**Tánaiste and Minister for Health and Children (Ms Harney):** The Minister for Health and Children is responsible for health policy and will continue to be accountable to the Oireachtas in that regard. The Health Service Executive, which is the national body with statutory responsibility under the Health Act 2004 for the management and delivery of health and personal social services, will be involved in informing the making of policy by the Minister. The 2004 Act, which provided for the establishment of the Health Service Executive on a statutory basis, contains a number of provisions to ensure that the HSE is accountable to the Oireachtas. Under the Act, the Minister for Health and Children is required to lay before the Houses of the Oireachtas the HSE's corporate plan and service plan after he or she has approved it. The HSE's audited financial statements and annual report, as well as the report of the Office of the Comptroller and Auditor General, must also be laid before the Houses. Under the Act the HSE's chief executive is appointed as its accounting officer. This provision requires the establishment of a separate Vote for the HSE for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. Therefore, the chief executive is accountable to the Committee of Public Accounts through the Comptroller and Auditor General for the HSE's appropriation accounts. The HSE is also obliged to prepare a set of income and expenditure accounts for which it is accountable to the Dáil through the Committee of Public Accounts. As accounting officer, the chief executive will be required to attend a meeting of that committee. The 2004 Act also requires that the chief executive must attend an Oireachtas committee to give an account of the HSE's general administration, if requested to do so, and that the chief executive or any other employee of the HSE must attend an Oireachtas committee if requested to do so by the Chairman of that committee. The funding available to the HSE is determined by Government at the conclusion of the annual Estimates process. The HSE's Estimate — Vote 40 — is presented to Dáil Éireann with the Estimates of all Departments and Government offices in abridged form in November of the preceding year.

#### Hospital Services.

138. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the steps she proposes to take to eliminate the use of hospital trolleys in lieu of beds; and if she will make a statement on the matter. [8767/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Trolleys are used throughout acute hospitals, for example in emergency departments and day wards. Hospital trolleys are not used in lieu of inpatient beds. Trolleys can be used in the course of treatment to transport patients for diagnostic tests or medical and surgical procedures.

They can also be used to allow patients to rest or recover in the course of treatment in emergency departments and day wards. They are essential to the operation of acute hospitals.

#### Hospital Accommodation.

139. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of hospital beds available at present; the number by which this has increased or decreased in the past 15 years; and if she will make a statement on the matter. [8768/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 31 December 1990, the bed complement of hospitals in the HSE network was 11,154 inpatient beds and 284 day places. The average number of beds available for use in hospitals in the HSE network between January and December 2005 was 12,038 inpatient beds and 1,213 day places. These figures are provisional and refer to the average number of beds available throughout 2005, including beds which were temporarily closed or opened. This data shows an increase of 884 in inpatient beds in publicly funded acute hospitals and an increase of 929 in day places. The Deputy will be aware that there are approximately 2,500 beds in private hospitals throughout the country.

#### Health Services.

140. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which health expenditure has increased or decreased in the past five years; and if she will make a statement on the matter. [8769/06]

141. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if the health services have expanded in line with expenditure in the past three years; and if she will make a statement on the matter. [8770/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 140 and 141 together.

Gross current funding for the health services has increased by almost €6 billion, or 92%, over the last five years. When the increases required to fund general pay increases, benchmarking and other pay awards, non-pay inflation and increases in drugs costs are taken into account, approximately €1.8 billion has been provided for additional investment in services. The extra investment has provided for significant improvements in our health system across all of the main service areas including acute hospitals, primary care, disability, older people, mental health and child care.

I will outline some of the key achievements. The key goal of the national cancer strategy, which was to achieve a 15% decrease in mortality

from cancer in the under-65 age group, was achieved three years ahead of target. There have been significant increases in cancer related services, particularly day care and inpatient treatments. BreastCheck had screened approximately 185,000 women by the end of 2004. The immediate benefits of the implementation of the Building Healthier Hearts strategy are evident. I refer, for example, to the increase of 153% in certain cardiology procedures, including forms of surgery, between 1999 and 2004. There were over 1 million inpatient and day case discharges from acute hospitals in 2005. This is equivalent to the population of Dublin, or to 2,900 patients being discharged every day. Over 38,000 people have been treated under the national treatment purchase fund. The number of inpatient beds and day treatment places in acute hospitals has increased by over 1,100 in the last five years.

Since the end of 2001, there have been increases, in wholetime equivalent terms of 924, or 14.7%, in the number of medical and dental personnel, of 3,449, or 11%, in the number of nurses and of 4,428, or 49%, in the numbers of health and social care professionals. Some 28% of the population was in receipt of a medical card at the end of last year. All people aged 70 and over have had a statutory entitlement to a medical card since July 2001. One of the most significant developments in general practice in recent years has been the advent of out-of-hours general practitioner co-operatives, which allow medical card and private patients to access appropriate qualified medical care out of hours, including domiciliary visits where deemed appropriate, simply by dialling a lo-call telephone number. An initial ten primary care teams have been established under the primary care strategy. The allocation of additional funding for services for older people has allowed for an extra 2,000 home care packages, which constitutes a trebling of the current service. Increases in such funding have also provided for an additional 1.75 million home help hours in 2006 and in excess of 1,325 extra places per week in day or respite care centres. Some 97% of those registered in the national intellectual disability database — 24,078 people — were receiving services in 2005. The relevant figure in 2002 was 91%.

The current national development plan has provided for significant improvements in capital investment in infrastructure across all health care programmes. The new developments range from major projects to minor capital works such as refurbishment, re-equipping, maintenance and health and safety. Along with some service developments, they underpin the delivery of a modern, high-quality health service across the country. I will make some international comparisons on public health spending. In 2002, which is the latest year for which comparable data is available, Ireland's publicly funded health expenditure *per capita* was \$1,779 in purchasing power parities.

This is above the average of 14 of the 15 pre-accession EU member states surveyed in the OECD database. It ranks Ireland eighth among these 14 EU countries in terms of *per capita* public spending on health. Furthermore, the latest OECD figures indicate that public health expenditure as a percentage of GDP increased by 14.6% from 4.8% in 1997 to 5.5% in 2002. Based on the methodology agreed with the OECD for the calculation of comparable health expenditure statistics, however, it is reasonable to project that Ireland's public health expenditure as a percentage of GDP for 2006 will be approximately 6%, which is a significant improvement and clearly demonstrates the Government's commitment to the health service.

### Health Services.

142. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason home help hours for certain recipients were reduced in the past two years in view of the emphasis on primary care; when full home help hours will be restored to such persons; and if she will make a statement on the matter. [8771/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** 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, 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.

143. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of persons here whose home help hours were reduced in the past two years; the reason for the reduction; and if she will make a statement on the matter. [8772/06]

**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, 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.

### General Medical Services Scheme.

144. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when the Health Service Executive will nominate a doctor on foot of request submitted in November 2005 for change of GMS doctor in the case of a person

[Mr. Durkan.]

(details supplied) in County Kildare; and if she will make a statement on the matter. [8774/06]

**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.

#### Tax Code.

145. **Mr. Bruton** asked the Minister for Finance the number of people taxed under the self-assessed system in each of the past five years; if the Revenue Commissioners have a policy of switching people with mixed PAYE and other income to a self-assessed basis; and the extent to which this has influenced the trend. [8633/06]

**Minister for Finance (Mr. Cowen):** The numbers of self-assessed income earners whose main source of income is from non-PAYE sources are set out as follows.

Year	Self-Employed income earners
2001	208,100
2002	207,000
2003*	210,000
2004*	212,000
2005*	215,000

\* Provisional and subject to revision.

The numbers above have been rounded to the nearest 100 as appropriate. The numbers of income earners for the years 2003, 2004 and 2005 are based on actual data for 2002 projected forward in accordance with macro-economic data relating to actual and expected growth in incomes and employment. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

The Revenue Commissioners do not have a policy of switching people with mixed PAYE and other income to a self-assessment basis. Whether an individual comes within the self-assessment system is determined by whether they are deemed a "chargeable person" under section 950 of the Taxes Consolidation Act 1997. An individual whose income is derived solely from PAYE is excluded from self-assessment. However, an individual having both PAYE and non-PAYE income is strictly within the self-assessment system. For ease of administration, Revenue accepts that an individual whose net income from non-PAYE sources is €3,174 or less will continue to be taxed under PAYE and the non-PAYE

income will be "coded in" against their tax credits.

Section 14 of the Finance Act 2005 amended the definition of a "chargeable person" for self-assessment purposes. This permits Revenue the discretion to look at an individual's gross non-PAYE income when deciding on assessment status.

For the 2005 tax year and subsequent years of assessment, substantial gross income is defined as gross non-PAYE income of €50,000 or more, for example, gross income from a trade or profession, gross rental income, dividends and distributions or foreign income and so on. An individual with PAYE income who also has substantial gross income from a non-PAYE source, but where this income has been reduced to nil or to a negligible amount because of deductions, losses, allowances and other reliefs, is regarded as a "chargeable person" and is required to make a return under the self-assessment system.

Except as outlined above, there is no change to the practice for individuals whose main source of income is subject to PAYE but who have assessable non-PAYE income of less than €3,174. These individuals can continue to have the liability on such income effectively assessed within PAYE by means of coding in the income against their tax credits. An individual with assessable non-PAYE income of more than €3,174 for any year is regarded as a "chargeable person" for self-assessment purposes and must file a Form 11 for that year. There are no indications that this practice has influenced the upward trend in the number of people who are taxed under the self-assessment system.

146. **Mr. Bruton** asked the Minister for Finance the trend in tax relief on donations for the PAYE sector and self-assessed sector over the past five years; and if his attention has been drawn to the fact that the much more generous way of crediting tax relief on PAYE than on self-assessed has resulted in declining charity revenue when taxpayers become self-assessed. [8634/06]

**Minister for Finance (Mr. Cowen):** The current scheme for tax relief on donations to approved bodies, which includes donations made to charities, is governed by section 848(a) of the Taxes Consolidation Act 1997. The scheme was introduced in the Finance Act 2001 and claims under the scheme arose from 2002 onwards. Arrangements for allowing tax relief for donations depend on whether the donor is a PAYE taxpayer or an individual on self-assessment, or a company. For a PAYE taxpayer, the relief is given on a grossed-up basis to the approved body rather than by way of a separate claim to tax relief by the donor. For example, if an individual who pays income tax at the higher rate gives a donation of €580 to an approved body, the body will be deemed to have received €1,000 less tax

of €420. The approved body, such as a charity, will therefore be able to claim a refund of €420 from the Revenue Commissioners at the end of the tax year. Similarly, if a standard rate taxpayer makes a donation of €800 to an approved body, the approved body will be able to claim a refund of €200 from the Revenue Commissioners at the end of the tax year.

In the case of a donation made by an individual who pays tax on a self-assessment basis and by companies, it is the donor and not the recipient of the donation who claims the relief. For example, if a self-assessed individual who pays tax at the higher rate gives a donation of €1,000 to

an approved body, the donor will be able to claim a refund of €420 from the Revenue Commissioners at the end of the tax year. The donation can be claimed as a deduction against the individual's income from all sources. The claim to the relief is made with the individual's normal tax return. There is a presumption that potential donors will be aware of the tax relief available and how it will be applied in particular cases, and that the level of the donation will reflect that knowledge.

The following figures cover the cost to the Exchequer of the scheme for donations to approved bodies for the years 2002 to 2005, inclusive.

Cost to the Exchequer of tax relief on donations to approved bodies under Section 848A of the Taxes Consolidation Act 1997.

Year	2002	2003	2004	2005
<i>PAYE Donors</i>				
Cost to the Exchequer € million	11.2	21.4	14.8	15.69
Number of donors	19,743	29,626	29,761	46,396

With regard to figures for donations by self-assessed donors, the only data available is for the tax year 2002. In that year 5,885 self-assessed donors made claims under the terms of the scheme, at a cost of €5.1 million to the Exchequer. Preliminary information on the tax year 2003 indicates that the figures will be of a similar order. There is no evidence of a reduction in charity revenue, as suggested by the Deputy. The reduction in the amount donated in 2004 compared with 2003 is due to the introduction in the Finance Act 2003 of a maximum limit on the amount of a donation that can attract relief where the donation is made by an individual to a charity or approved body with which he or she is associated. In such a case, where the aggregate of donations to any one charity or approved body in a year is in excess of 10% of the individual's total income, the excess does not attract tax relief.

The scheme of tax relief for donations to charities and approved bodies was one of the schemes reviewed as part of the internal review of certain tax schemes carried out by my Department in conjunction with the Revenue Commissioners last year. The review recommended that no change be made to the structure of the scheme at this stage.

#### **Departmental Properties.**

147. **Mr. G. Murphy** asked the Minister for Finance if he can reconcile the replies to Questions Nos. 217 and 315; if he has taken into account the submissions made by a person (details supplied) in County Cork; and his views on the case. [8694/06]

**Minister of State at the Department of Finance (Mr. Parlon):** I refer to the responses to Question No. 217 of 29 November 2005 and Question No.

315 of 21 February 2006. The following information will reconcile the replies.

In order to progress matters on Question No. 217, the Office of the Chief State Solicitor stated that proceedings would be re-entered into the High Court on behalf of the Minister for Finance, on the basis of information available to the Office of the Chief State Solicitor at this time. This matter was discussed by the Office of the Chief State Solicitor, in liaison with the Office of the Attorney General. At that time, the Office of the Chief State Solicitor was on notice that another party disputed the State's entitlement to the lands in question, but had not at that time submitted evidence of their claim.

With regard to the other parliamentary question, the Office of the Chief State Solicitor received a sworn affidavit from another party stating its claim for adverse possession against the company. On the basis of this new information, the Office of the Chief State Solicitor, in consultation with the Office of the Attorney General, advised that it would now appear that the property may not now have been vested in the Minister for Finance. For the avoidance of any doubt and without necessarily accepting that the property or any part of it has vested in the Minister for Finance, the State is now considering waiving whatever interest it has, if any, to this party.

#### **Garda Stations.**

148. **Mr. Stagg** asked the Minister for Finance if the independent assessor has been appointed by the Office of Public Works to consider the 98 public submissions on the new Leixlip Garda station; the set time for completion of the assessment; and when it is likely to be decided upon by

[Mr. Stagg.]  
the board of the Office of Public Works.  
[8701/06]

**Minister of State at the Department of Finance (Mr. Parlon):** An independent assessor has been appointed by the Commissioners of Public Works to consider the submissions received on the planning consultation under Part 9 for the proposed new Garda station at Leixlip, County Kildare. It is anticipated that this assessment will be completed by mid March 2006. Following the completion of the assessment, the Commissioners

expect to be in a position to make a formal decision in a number of weeks.

#### Appointments to State Boards.

149. **Mr. Nolan** asked the Minister for Finance the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8716/06]

**Minister for Finance (Mr. Cowen):** The following table lists the names of all board appointments made by me or my predecessor since March 2001.

Name of State Body	Name of appointee
Central Bank of Ireland (Replaced by CBFSAI on 1 May 2003)	Mr. Tom Considine Mr. Michael McBennett
Central Bank and Financial Services Authority of Ireland (CBFSAI) established 1 May 2003	Mr. John Hurley Mr. Brian Patterson Mr. Gerard Danaher Ms Deirdre Purcell Mr. Liam O'Reilly Mr. Liam Barron Mr. David Begg Mr. Friedhelm Danz Mr. John Dunne Mr. Tom Considine Mr. Roy Donovan Mr. Martin O'Donoghue
Irish Financial Services Regulatory Authority	Mr. Brian Patterson Mr. Alan Ashe Mr. Friedhelm Danz Mr. Gerard Danaher Mr. John Dunne Ms Mary O'Dea Mr. Jim Farrell Ms Deirdre Purcell Mr. Dermot Quigley Mr. Liam O'Reilly
National Treasury Management Agency Advisory Committee	Mr. Tom Considine Mr. John Daly Ms Tytti Noras Mr. Graeme Wheeler
National Development Finance Agency	Dr. Michael Somers Mr. Jim Farrell Ms Ann Fitzgerald Mr. Tony Jones Mr. Peter McManamon Ms Anne Counihan Mr. Fred Barry Mr. Stewart Harrington
National Pensions Reserve Fund Commission	Mr. Donal Geaney Mr. Robert J. Curran Ms Brid Horan Dr. Martin Kohlhaussen Mr. Donal C. Roth Mr. Daniel P. Tully Dr. Michael Somers Professor Brian Hillery Mr. John A. Canning Mr. Paul Carty
Credit Union Advisory Committee	Mr. Padraig Ó Cearbhaill Mr. Ken Lillis Ms Olive McCarthy Mr. Donal Murphy Mr. Michael O'Conaill Ms Iris White Mr. Donal Yourel

Name of State Body	Name of appointee
Ordnance Survey Ireland	Mr. Kevin Bonner Mr. Bill Attley Mr. Rory M. Scanlan Mr. Liam O'Farrell Mr. Patrick J. O'Sullivan Mr. Anthony Murray Mr. Michael D. Hayes Mr. Thomas K. Madden Mr. Liam Egan Mr. Pat W. Fenton
An Post National Lottery Company	Mr. John Hynes Mr. Kieran McGowan Mr. Ray Bates Mr. Micheál Ó Muircheartaigh Mr. Paraic O'Rourke Ms Niamh McGowan Mr. Eamonn A. Ryan Mr. Donal Curtin Mr. James Hyland
Financial Services Consultative Industry Panel	Mr. James Deeny Mr. Jim Bardon Mr. Liam Carberry Mr. Denis Casey Mr. Tony Culley Mr. Billy Doyle Mr. Pat Farrell Mr. Donal Fitzgibbon Ms Ann Fitzgerald Mr. Sean Quirke Ms Sarah Goddard Mr. Tom Healy Mr. Robert Moynihan Mr. John Murphy Ms Carmel O'Connor Ms Aileen O'Donoghue Mr. John O'Halloran Ms Eimer O'Rourke Mr. Pat O'Sullivan Mr. Gary Palmer Ms Rachel Panagiodis Mr. Mike Ryan
Financial Services Consultative Consumer Panel	Mr. Liam Cohen Mr. Michael Connolly Mr. James Doorley Mr. Eddie Hobbs Ms Anne Hogan Mr. Michael Kilcoyne Ms Eileen Lynch Mr. John Maher Mr. David McWilliams Ms Joan Morrison Prof. Noel Mulcahy Ms Ann Owens Mr. Raymond O'Rourke Mr. Sean O'Sullivan Ms Aileen Power Ms Fiona Reynolds Mr. Brendan Burgess Ms Frances Byrne Ms Olive Byrne Mr. Peter Ryan Mr. William Ryan
Financial Services Ombudsman Council	Dr. Con Power Mr. John Colgan Mr. Crozier Deane Mr. Dermot Jewell Mr. Paul Joyce Mr. Paddy Leydon Mr. Paul Lynch Mr. Paddy Lyons Mr. Jim McMahan Ms Caitriona Ní Charra

[Mr. Cowen.]

Name of State Body	Name of appointee
Valuation Tribunal	Ms Leonie Reynolds Mr. Michael Connellan Ms Mairéad Hughes Mr. John O'Donnell Mr. Joseph Murray Mr. Brian Larkin Mr. William Nowlan Mr. Pat Riney Mr. Frank O'Donnell Mr. Frank Malone Mr. Maurice Ahern Mr. Michael F. Lyng Mr. Michael McWey Ms Margaret Cordial Mr. Fred Devlin Mr. John Kerr
Public Appointments Service	Mr. Frank Murray Mr. Bryan Andrews Mr. John O'Connell Ms Niamh O Ms Geraldine Tallon Mr. Bernard Carey Ms Rosaleen Glackin Ms Maura McGrath Ms Catherine Clancy
Interim Board of the Civil Service Childcare Agency	Ms Joyce Nolan Mr. Ernan Tobin Ms Marie McLaughlin Mr. John Bradshaw Mr. John O'Connell Ms Deirdre McRory Ms Phyllis Behan Mr. Frank O'Brien Ms Mina Walsh
Public Service Benchmarking Body	Mr. Dan O'Keefe SC, BCL, LL.B, A.C.A. Mr. Billy Attley Ms Olive Braiden Mr. John Malone Mr. Thomas McKeivitt Mr. Willie Slattery Professor Brendan Walsh
Review Body on Higher Remuneration in the Public Sector	Mr. Tony O'Brien Mr. John Doherty Mr. Brian Hillery Mr. Noel O'Neill
Disabled Drivers Medical Board of Appeal	Dr. Peter Sweeney Dr. Ida Delargy Dr. Jacinta McElligot Dr. Jim Fagan Dr. Niall Mulvihill Professor Peter Eustace Dr. Jacques Noel Dr. John O'Keefe Dr. Aine Carroll Dr. Mark Delargy Dr. Nicola Ryall Mr. Martin Walsh FRCSI Dr. Padraig Murray Dr. Frank X. Keane Dr. Angela McNamara Dr. Austin O'Carroll Dr. Muiris Houston Dr. Monica McWeeney
Civil Service Arbitration Board and Teachers Arbitration Boards	Mr. Gerard Durcan SC Mr. Derek Hunter Mr. Tom Wall (Civil Service and Teachers)
Permanent Defence Forces Arbitration Board	Mr. Gerard Durcan SC Mr. Derek Hunter Mr. George Maybury

Name of State Body	Name of appointee
State Claims Agency	Professor Noel Whelan Ms Anne Nolan Mr. John F. Dunne Ms Margaret Lane Ms Anne Marie Hayes Mr. Frank Martin Mr. Michael Grace
Sealúchais Árachais Teoranta	Mr. William Beausang Mr. Aidan Carrigan

### Departmental Properties.

150. **Mr. Kehoe** asked the Minister for Finance when he expects negotiations to conclude regarding the plans for the takeover by the Office of Public Works of a museum (details supplied) in County Wexford; and if he will make a statement on the matter. [8739/06]

**Minister of State at the Department of Finance (Mr. Parlon):** It is not possible to indicate at this time when negotiations regarding the transfer to the Office of Public Works for the property referred to by the Deputy will be concluded. However, I can confirm that the matter will be dealt with as a priority and will be concluded in the shortest possible timeframe.

### Vehicle Registration.

151. **Ms Shortall** asked the Minister for Finance the position on full Irish participation in EUCARIS; the reason Ireland is not a full participant; and his proposals to become full participants in the near future. [8749/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the UK, Germany, the Netherlands, Luxembourg and Belgium negotiated a treaty some years back to facilitate the exchange of driver and vehicle registration information between the participants through an electronic system, known as EUCARIS. The treaty has quite a narrow scope and its aim is to identify and prevent international trade in stolen vehicles and to identify stolen and fraudulent driving licences within the treaty area. To date, three of the five founding countries, Germany, Luxembourg and Belgium, have ratified the treaty. Until one more of the original five countries ratifies the treaty, it is not open to other countries to accede and accordingly the question of full participation by Ireland does not arise at present.

In the meantime, the Revenue Commissioners, responsible for vehicle registration, have observer status and are following the work closely. The Revenue Commissioners are taking account of the structures established in accordance with the provisions of Council Decision 2004/919/EC on tackling vehicle crime with cross-border implications, which was adopted during the Irish Presidency of the EU; the existing mutual assistance provisions which already provide very significant

exchange of information procedures; and the existing structures in EUROPOL and INTERPOL, whose specific stolen vehicle database is used extensively by the Revenue Commissioners. The Revenue Commissioners will consider in due course, in consultation with the Department of Justice, Equality and Law Reform and the Department of the Environment, Heritage and Local Government, whether extra advantages are to be gained by full participation in the EUCARIS.

### Tax Code.

152. **Ms O. Mitchell** asked the Minister for Finance if, in view of the need for early traffic reduction measures to coincide with the inevitable traffic disruption of Transport 21, he will provide special tax incentives, similar to the tax saver scheme, for users of van pools. [8757/06]

**Minister for Finance (Mr. Cowen):** The Revenue Commissioners advise me that under their published guidelines for the operation of PAYE and PRSI for certain benefits there is no charge to tax in respect of a van which is in a "van pool". A van can be treated by an employer as being in a van pool if: the van is made available to, and is actually used by, more than one employee and is not ordinarily used by one employee to the exclusion of the others; any private use of the van by the employees is merely incidental to business use; it is not normally kept overnight at the home of any of the employees.

I assume that the reference by the Deputy to the tax saver scheme relates to the commuter travel saver scheme. An exemption from taxation as a benefit-in-kind was provided for certain commuter travel passes given to employees by employers. The main reason for introducing this exemption was to underpin Government policy on the wider use of public transport and it was hoped these exemptions would encourage commuters who travelled to and from work by car to switch to public transport, thereby easing traffic congestion at peak times. Further tax incentives for van pools would not contribute to the move to public transport and I have no plans to introduce such special tax incentives.

### Telecommunications Services.

153. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources



[Mr. McCormack.]

the grant aid which has been made available from his Department to Údarás na Gaeltachta for the provision of a broadband radio system for the Cois Fharráige area, south Connemara; when is it likely that the necessary equipment will be erected there to provide a signal for this area; and if he will make a statement on the matter. [8649/06]

157. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the plans his Department has for the provision of broadband services in west Galway, particularly in Cois Fharráige; and if he will make a statement on the matter. [8648/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 153 and 157 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. Under the second phase of the group broadband scheme administered by my Department grant aid of up to €41,173 was awarded to service provider, COM 1, for the Cois Fharráige Business Broadband Service. Údarás na Gaeltachta is the local organisation supporting the scheme. I have been informed that the project is operational and customers have been connected.

#### Information Technology.

154. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the position regarding the development of open source centres of excellence here; the allocation made and progress achieved on such centres; and if he will make a statement on the matter. [8611/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand the Deputy is referring to open source software. I am not aware of such an initiative. However, in the context of the public service any such initiative would be a matter for my colleague, the Minister for Finance, in the first instance.

#### Telecommunications Services.

155. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources when the next call of a scheme will be opened with regard to the provision of broadband in Ballymote, County Sligo, in view of the huge interest by the residents and businesses in Ballymote and in view of the application which will shortly be lodged by the Border Regional Authority with his Department; and if he will make a statement on the matter. [8622/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

My Department administers a group broadband scheme which is designed to promote the roll out of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and underserved areas of larger towns on the basis of local and regional authority co-ordination and community driven initiatives. It is my intention to hold a third call of the group broadband scheme and my officials are currently finalising the application procedure and documentation. I expect to be in a position to formally launch the third call shortly.

#### Fishing Industry Development.

156. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to address the concerns of the chairman of the Southern Fisheries Board regarding the establishment of the National Ireland Fisheries Authority (details supplied); and if he will make a statement on the matter. [8628/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The views of the fisheries board were passed to this Department in mid-February. I have not yet had an opportunity to fully examine and consider the views expressed by the board but hope to be in a position to do so soon and to respond in the not too distant future.

*Question No. 157 answered with Question No. 153.*

#### Telecommunications Services.

158. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the position within the top half of EU countries the Government's broadband target is aimed at by the end of 2007; if more ambitious targets are being aimed at for beyond that date; when the Government expects to be in the top ten of EU countries for broadband provision; and if he will make a statement on the matter. [8660/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer to my reply to Question Nos. 116 and 151 on 16 November 2005, where I indicated that the Government's broadband target for Ireland is to be within the top half of EU countries in terms of broadband penetration by the end of 2007, and not a specific position. In a liberalised telecommunications market, the rate of broadband take-up will be largely determined by the private sec-

tor service providers supplying and marketing broadband products to meet the requirements of end-users.

Take-up targets after 2007 have not been set because they would not address the immediate needs of broadband in Ireland. With regard to the provision of broadband, that is, the availability or coverage of broadband services, internationally comparable benchmarks are not widely used and it is, therefore, difficult to establish international rankings.

### Appointments to State Boards.

159. **Mr. Nolan** asked the Minister for Communications, Marine and Natural Resources the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8717/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The information requested by the Deputy on appointments made to the boards of State-sponsored bodies since June 2002 is set out in the table.

Appointments to the Boards of State-sponsored Bodies under the aegis of the Department of Communications, Marine and Natural Resources made since June 2002

#### An Post

Board Member	Appt. Date
Ms Margaret McGinley (Chairperson)	04.02.2003
Mr. Donal Curtin (Chief Executive)	14.07.2003
Ms Cathy Herbert	04.02.2003
Mr. Peter Wyer	04.02.2003
Mr. James Quinlivan	09.05.2003
Mr. James Hyland	11.12.2003
Mr. James Alan Sloane	01.01.2004
Mr. Jerry Condon	01.11.2004
Mr. Patrick Compton	01.11.2004
Mr. Patrick Davoren	01.11.2004
Mr. Thomas Devlin	01.11.2004
Mr. Terry Keller	01.11.2004

#### Aquaculture Licence Appeals Board

Board Member	Date of Appt.
Mr. Conleth Bradley	17.07.03
Mr. Sean Murphy	17.07.03
Mr. Mario J. Minehane	17.07.03
Mr. Lorcan Ó Cinnéide	17.07.03
Mr. Sean Murphy	01.01.05
Mr. Lorcan Ó Cinnéide*	01.01.05
Mr. Mario J. Minehane*	01.01.05
Ms Mary McMahan	01.01.05
Ms Karin Dubsy	01.01.05
Mr. Damian McDonald	01.01.05

#### Bord na Móna

Board Member	Date of Appt.
Mr. Donagh O'Donoghue	13.11.02
Mr. Fergus McArdle	13.11.02
Mr. Paschal Campbell	13.11.02
Ms Johanna Downes	13.11.02
Mr. Pat McEvoy	01.01.03
Mr. P.J. Minogue	01.01.03
Mr. Paddy Rowland	01.01.03
Mr. Paddy Fox	01.01.03
Mr. P.J. Coghil	19.05.03
Ms Anne Heraty	28.09.04
Mr. Gabriel Cribbin	09.09.05

#### Bord Iascaigh Mhara

Board Member	Date of Appt.
Ms Rose McHugh	29.09.04

#### Bord Gáis Éireann

Board Member	Date of Appt.
Mr. Pearse O'Hanrahan	19.12.02
Mr. Aidan Eames	03.03.04
Mr. Tom Donlon	26.03.03
Mr. Micheal O'Faolain	19.05.03

#### Broadcasting Complaints Commission

Board Member	Date of Appt.
Michael McGrath (Chairperson)	18.10.05
Sean O'Sullivan	18.10.05
Eucharía Meehan	18.10.05
David Tighe	18.10.05
Miriam O'Callaghan	18.10.05
Susan Nolan	18.10.05
Phil Brady	18.10.05

#### Broadcasting Commission of Ireland

Board Member	Date of Appt.
Mr. Conor J. Maguire (Chairperson)	02.12 2003
Mr. John Waters	02.12 2003
Ms Mary Davis	02.12 2003
Ms Angela Kerins	02.12 2003
Ms Kay McGuinness	02.12 2003
Mr. Tom Collins	02.12 2003
Ms Vivienne Jupp	02.12 2003
Mr. John O'Brennan	02.12 2003
Ms Mary Kerrigan	02.12 2003
Mr. Joe Griffin	02.12 2003

[Mr. N. Dempsey.]

## Central Fisheries Board

Board Member	Date of Appt.
David Mackey (Chairman)	24.06.05
Ms Mary Bohan	24.06.05
Éamon de Buitléir	24.06.05
Myles Kelly	24.06.05
Naul McCole	24.06.05
John Henry McLaughlin	24.06.05

## Coillte Teoranta\*

Board Member	Date of Appt.
Mr. Brendan McKenna (Chairperson)	26.06.02
Ms Sinead Leech	..
Mr. Martin Lowery (Chief Executive)	..
Mr. Breffni Byrne	07.08.02
Mr. Richard Howlin	14.05.03
Mr. Frank Toal	29.07.03

Appointments made up to transfer of responsibility to Minister for Agriculture and Food on 01.01.2004.

## Commission for Energy Regulation — CER

Board Member	Date of Appt.
Mr. Tom Reeves (Chairman)	14.10.04
Mr. Michael Tutty	14.10.04
Ms Regina Finn	01.02.05

## Commission for Communications Regulation — ComReg

Board Member	Date of Appt.
Mr. John Doherty	02.01.2003
Ms Isolde Goggins	02.01.2003
Mr. Mike Byrne	01.12.2004

## The Digital Hub

Board Member	Date of Appt.
Mr. William Burgess (Chairperson)	21.07.03
Mr. Philip Flynn (Chief Executive)	31.07.03
Dr. Don Thornhill	31.07.03
Mr. Dan Flinter	31.07.03
Mr. John Fitzgerald	31.07.03
Mr. Sean Dorgan	31.07.03
Mr. Paul Kavanagh	31.07.03
Mr. Peter Cassells	31.07.03
Ms Jackie Harrison	31.07.03
Mr. Paul McGuinness	31.07.03
Mr. Joe Murphy	29.09.04

## Drogheda Harbour Board

Board Member	Date of Appt.
Mr. Tom O'Reilly	24.01.03
Mr. Frank Maher	..
Cllr. Jacqui McConville	21.12.03
Mr. Paddy Traynor (Chairperson)	20.12.04
Ms Maria O'Brien-Campbell	23.05.05
Mr. Cormac Bohan	29.09.04
Cllr. Paul Bell	04.08.04

## Dublin Port Company

Board Member	Date of Appt.
Ms Brenda Daly	22.09.02
Mr. Seamus Martin	..
Cllr. Kevin Humphries	10.09.04
Cllr. Christy Burke	10.09.04
Cllr. Paddy Bourke	10.09.04

## Dún Laoghaire Harbour Company

Board Member	Date of Appt.
Mr. Thomas Quinn	05.12.02
Mr. Don McManus	05.02.04

## Dundalk Port Company

Board Member	Date of Appt.
Mr. Kevin Meenan	05.04.05

## Eastern Regional Fisheries Board

Board Member	Date of Appt.
Ms Betty Hayes	08.12.03

## Electronic Communications Appeals Panel\*

Board Member	Date of Appt.
Hugh Mohan SC	21.09.04
Margaret Heneghan BL	21.09.04
Catherine Woods BA	21.09.04
Mary Sadlier	23.05.05
Sean Barrett	23.05.05
Paul Burns SC	23.05.05
Finbarr Fox SC	23.05.05
Patrick Butler SC	24.05.05
Liam Cahill	20.06.05
Brian O'Moore SC	14.07.05
Eileen Barrington JC	15.06.05

\*Pool from which three persons will be appointed by Minister to an appeal panel. Two panels currently exist, each with its own chairperson

## Eirgrid

Board Member	Date of Appt.
Ms Martina Moloney	15.09.04
Mr. Maurice Holly (staff representative)	21.09.04 (re-appointed)
Ms Emer Daly	20.03.05 (2nd term)
Mr David Mackey	20.03.05 (2nd term)
Mr. Dermot Byrne CEO (ex officio)	04.07.05
Ms Bernie Gray	08.09.05

## ESB

Board Member	Date of Appt.
Mr. Pádraig McManus (Chief Executive)	17.02.02
Mr. Joe Lacumbre (Deputy Chairperson)	01.01.03
Mr. John McGinley	01.01.03
Mr. Pat Smith	01.01.03
Mr. Eamonn Connelly	01.01.03
Mr. Brendan Byrne	01.09.04
Mr. Tadhg O'Donoghue	07.09.05 (2nd term)
Ms Georgina Kenny	18.05.05 (2nd term)

## Galway Harbour Board

Board Member	Date of Appt.
Mr. Robert Molloy	10.02.03
Mr. Martin Connolly	04.12.03
Cllr. Joe Tierney	13.08.04
Cllr. Sean Kyne	05.04.05

## Irish National Petroleum Corporation

Board Member	Date of Appt.
Mr. Edmund O'Connell (Chairperson)	22.06.02
Mr. Seamus Ó Scolláin	25.09.03
Ms Mary Austin	"
Mr. Vincent Caffrey	"

Loughs Agency — these appointments were made jointly with the Secretary of State for Northern Ireland.

Board Member	Appt. Date
Mr. Jack Allen	13.12.02
Mr. Keith Anderson	13.12.02
Mr. Francis Feeley	13.12.02
Mr. Dick Blackiston-Houston	13.12.02
Dr. Patrick J. Griffin	13.12.02
Lord Cooke of Islandreagh	13.12.02

## Board Member

Board Member	Appt. Date
Ms Siobhán Logue	13.12.02
Ms Jacqui McConville	13.12.02
Mr. Joseph Martin	13.12.02
Mr. Tarlach Ó Crosáin	13.12.02
Mr. Peter Savage	13.12.02
Mr. Andrew Ward	13.12.02

## Marine Institute

Board Member	Appt. Date
Ms Terry Fleming	29.09.04
Mr. Kevin Bonner (Chairperson)	24.06.05
Ms Dairine McFadden	19.12.05

## Mining Board

Board Member	Date of Appt.
Mr. Philip O'Brien (Chairperson)	21.07.03
Mr. John Shackleton	04.12.03
Mr. Eoin Ó Buachalla	"

## National Salmon Commission

Board Member	Appt. Date
Dr. Philip McGinnitty	31.01.03
Mr. Brian Sheerin	20.08.03
Mr. Brendan O'Rourke	31.01.03
Mr. Joey Murrin (Chairperson)	30.09.05
Jim Curran	30.09.05
Brian Curran	30.09.05
John H. O'Brien	30.09.05
Peter Hunt	30.09.05
Vincent Roche	30.09.05
Michael Keatinge	30.09.05
Derick Anderson	30.09.05
Noel Carr	30.09.05
Lal Faherty	30.09.05
Martin McEnroe	30.09.05
Luke Boyle	30.09.05
Jerome Dowling	30.09.05
John Doherty	30.09.05
Michael Connors	30.09.05
Seamus De Burca	30.09.05
Carmel Lynn	30.09.05
Frank Flanagan	30.09.05
Peter Dunn	30.09.05
Richie Flynn	30.09.05

## [Mr. N. Dempsey.]

## New Ross Port Company

Board Member	Date of Appt.
Ms Rosie Kehoe	17.02.04
Cllr. Sean Connick	“
Cllr. Larry O'Brien	26.11.04

## Northern Regional Fisheries Board

Board Member	Date of Appt.
Mr. Billy Grimes	July 2003

## Port of Cork Company

Board Member	Date of Appt.
Cllr. Tim Falvey	14. 02.02
Mr. Paul Millard	15.10.02
Mr. David Doolan	“
Cllr. Michael Hegarty	04.08.04

## Port of Waterford Company

Board Member	Date of Appt.
Ald. Thomas Cunningham	19.08.02
Mr. Ben Gavin (Chairperson)	05.02.04
Ms Fiona Robbins	“
Mr. Pádraig Ó Gríofa	“
Mr. Maurice Lonergan	“
Mr. Michael Flynn	“
Mr. Patrick Murphy	“
Mr. Derek Donnelly	“
Ms Lola O'Sullivan	29.08.04
Mr. Derek Madigan	16.03.05

## Radio Telefís Éireann Authority

Board Member	Date of Appt.
Des Geraghty	22.10.02
Fintan Drury	21.06.05
Maria Killian	21.06.05
Patricia King	21.06.05
Ian Malcolm	21.06.05
Úna Ní Chonaire	21.06.05
Stephen O'Byrnes	29.06.05 (2nd term)
Patrick Marron	29.06.05 (2nd term)
Emer Finnan	14.09.05
Joe O'Brien	14.09.05

## Shannon Foynes Port Company

Board Member	Date of Appt.
Mr. Gerard Reidy	17.07.02
Mr. Joe Treacy	“

## Southern Regional Fisheries Board

Board Member	Date of Appt.
Mr. Pat Bowe	14.12.04

## Sustainable Energy Ireland

Board Member	Date of Appt.
Mr. Martin Finucane	24.10.03

## Regional Harbour Authorities

## Arklow Harbour

Board Member	Date of Appt.
Cllr. Sylvester Bourke	28.09.04
Cllr. Pat Doran	28.09.04
Cllr. Peter Dempsey	28.09.04
Cllr. Donal O'Sullivan	28.09.04
Mr. James Tyrell	28.09.04
Mr. Lorcan O'Toole	28.09.04
Mr. Austin Gaffney	28.09.04
Ms Ann Lee	28.09.04
Mr. Paddy Mordaunt	28.09.04
Cllr. Pat Fitzgerald	28.09.04
Cllr. Pat Sweeney	28.09.04

## Annagassan Harbour

Board Member	Date of Appt.
Cllr. Tommy Reilly	28.09.04
Cllr. Finnan McCoy	28.09.04
Cllr. Pearse McGeough	28.09.04
Cllr. Jim Lennon	28.09.04
Mr. Terry Butterly	28.09.04
Ms Rosemarie Coyle	28.09.04
Mr. Liam Reilly	28.09.04
Mr. Tommy McGrory	28.09.04
Mr. Gerard Sheridan	28.09.04

## Baltimore and Skibbereen Harbour

Board Member	Date of Appt.
Cllr. Tadgh O'Donovan	28.09.04
Cllr. Joe Carroll	28.09.04
Cllr. Brendan Leahy	28.09.04
Cllr. Berndan McCarthy	28.09.04
Mr. Michael Harte	28.09.04
Mr. Vincent O'Driscoll	28.09.04
Mr. Danny O'Driscoll	28.09.04
Mr. Dermot Sheehy	28.09.04
Mr. Kieron Cotter	28.09.04

## Bantry Harbour

Board Member	Date of Appt.
Mr. John O'Riordan	28.09.04
Mr. Michael Hennebery	28.09.04
Cllr. Eugene Cronin	28.09.04
Cllr. Patrick Kelly	28.09.04
Mr. John O'Shea	28.09.04
Mr. Donal Casey	28.09.04
Mr. Aiden McCarthy	28.09.04
Mrs. Kathleen Tessyman	28.09.04
Ms Letty Baker	28.09.04
Mr. Mario Minehane	28.09.04
Mr. Tim Minihane	28.09.04

## Dingle Harbour

Board Member	Date of Appt.
Mr. Tom Fitzgerald	28.09.04
Mr. Eoin O'Cathain	28.09.04
Mr. Paddy Flannery	28.09.04
Mr. Denis O'Conner	28.09.04
Mr. Tom Kennedy	28.09.04
Cllr. Seamus Fitzgerald	28.09.04
Cllr. Breandán Mac Gearailt	28.09.04
Dr. Fionnbar O'Shea	28.09.04
Mr. Timothy O'Sullivan	28.09.04

## Kinsale Harbour

Board Member	Date of Appt.
Mr. Billy Lynch	28.09.04
Mr. Charles Hendeson	28.09.04
Mr. Kevin Murphy	28.09.04
Cllr. Alan Coleman	28.09.04
Mr. Eamon O'Neill	28.09.04
Mr. Frank Kiernan	28.09.04
Mr. John Twomey	28.09.04
Mr. Courtney Good	28.09.04
Mr. Michael T. Frawley	28.09.04

## River Moy Harbour

Board Member	Date of Appt.
Mr. John Keane	28.09.04
Mr. Dessie Padden	28.09.04
Mr. Jimmy Sheridan	28.09.04
Cllr. Annie May Reape	28.09.04
Mr. John Farrell	28.09.04
Mr. Edward Melvin	28.09.04
Mr. Tommy Ginley	28.09.04
Mr. Paddy Jackson	28.09.04
Mr. Judd Ruane	28.09.04
Cllr. Jimmy Moloney	28.09.04
Mr. Michael McDonagh	28.09.04

## Sligo Harbour

Board Member	Date of Appt.
Mr. Albert Higgins	28.09.04
Mr. Patsy Barry	28.09.04
Ms Veronica Cawley	28.09.04
Mr. Johnathan McGoldrick	28.09.04
Mr. Gerry McCanny	28.09.04
Mr. Stephen Rundle	28.09.04
Mr. Seamus Monaghan	28.09.04
Mr. Jim McMorrough	28.09.04
Mr. Gene O'Carroll	28.09.04
Mr. Liam Gannon	28.09.04
Mr. Padraic Branley	28.09.04

## Tralee and Fenit Harbour

Board Member	Date of Appt.
Mr. Roland Blennerhassett	28.09.04
Mr. Con Casey	28.09.04
Mr. Dermot Crowley	28.09.04
Mr. James Browne	28.09.04
Ms Norma Foley	28.09.04
Mr. Michael Moriarity	28.09.04
Mr. John Wall	28.09.04
Ms Toireasa Ní Fhearaíosa	28.09.04
Mr. Christopher Lynch	28.09.04
Mr. Vincent Locke	28.09.04
Mr. Liam Sullivan	28.09.04

**Fisheries Protection.**

160. **Mr. Glennon** asked the Minister for Communications, Marine and Natural Resources when the Marine Institute report comparing EU log book data and the results of scientific surveys was provided to him; and when and the way in which it was conveyed to the European Commission. [8788/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Marine Institute formally reported to the Department in October 2005 that it had wide ranging data from its scientific work which showed a consistent high level of illegal landings by whitefish boats in respect of trips where Marine Institute staff were on board the vessel. The report was submitted by the chief executive of the Marine Institute to the Secretary General of my Department on 26 October 2005 and was forwarded to me the following day.

Following consideration of the matter by the Government and once the advice of the Attorney General had been received, the then Minister of State, Deputy Gallagher, wrote to Dr. Joe Borg, the EU Commissioner for Fisheries and Maritime Affairs, seeking a meeting to discuss this and other matters relating to possible illegal fishing. I, together with Minister of State, Deputy Browne, met the Commissioner on 20 February 2006 and presented him with the report, excluding an appendix which listed individual fishing vessels by name. In this regard I wish to clarify to the House, regarding my contribution to the Report and Final Stages debate in the Dáil on the Sea Fisheries and Maritime Jurisdiction Bill 2005 on 22 February 2006, that the Marine Institute's

findings were not sent directly to the Commission by the Marine Institute.

At the meeting on 20 February we also outlined to the Commissioner the measures which the Government has taken, and which it plans to take, to substantially strengthen fisheries control and to address this very serious issue. These measures, of which the Sea Fisheries and Maritime Jurisdiction Bill is a critical part, are vital to place the fishing industry on a sustainable, legally secure and equitable footing for the future.

#### **Appointments to State Boards.**

161. **Mr. Nolan** asked the Minister for Foreign Affairs the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8718/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** Since my appointment as Minister for Foreign Affairs on 29 September 2004, I made the following board appointments. The advisory board of Ireland Aid was established in August 2002. The name of the board was subsequently changed to the Advisory Board for Development Co-operation Ireland in September 2003. In November 2005, the board was reconstituted and the following people were appointed.

Name	Background
Mr. Chris Flood	Former Dáil Deputy and Minister of State. Irish representative to the European Commission Against Racism and Intolerance.
Mr. David Andrews	Chairperson of the Executive Committee of the Irish Red Cross Society. Former Government Minister.
Mr. David Begg	General Secretary of the Irish Congress of Trade Unions. Former Chief Executive of Concern Worldwide.
Mr. Denis Cahalane	Director of Social Inclusion, Health Service Executive, HSE, County Louth. Chairperson of Dundalk Employment Partnership.
Dr. Abdullahi El-Tom	Lecturer, Department of Anthropology at NUI Maynooth.
Ms Detta Fanning	Partner in Detta Communications and expert in business development and marketing.
Ms Fumi Anike Guiwa-Byrne	Managing Director of Anike Ireland. Involved with the UK telethon fundraising event from 1987 to 1995.
Mr. Eamonn Meehan	Deputy Director and Head of Communications and Education Department of Trócaire.
Fr. Gerard O'Connor	Redemptorist priest. Previously worked with GOAL in Africa.
Mr. Larry O'Loughlin	Head of Public Relations with Teagasc. Board member of Self Help Development International.
Ms Anne O'Mahony	Regional Director with Concern Worldwide, based in Dublin. Serves on the board of EuronAid, a European NGO food security network.
Ms Maura Quinn	Executive Director, UNICEF Ireland.
Ms Lorraine Sweeney	Businessperson. Former chairperson of the Small Firms Association.

I appointed two new members to the advisory board in February 2006.

Name	Background
Ms Marie Brady	Former Religious Education teacher. Assistant Chief Inspector for Religious Education in the Department of Education of Northern Ireland
Ms Geraldine Wall	Senior executive officer with Catholic Youth Care

The development education advisory committee, DEAC, was set up in 2003 to offer policy advice to the Minister for Foreign Affairs and Development Co-operation Ireland on development edu-

cation and on ways to increase knowledge and understanding of development issues in Ireland. The following members were appointed to the committee in 2005.

Name	Background
Dr. Peadar Ó Croimín	President Mary Immaculate College, Limerick
Mr. Peter Johnson	Education Officer for Educational Disadvantage, National Council for Curriculum and Assessment
Mr. Robert Kirkpatrick	Senior Inspector, Department of Education and Science
Mr. Conor Sludds	Manager, Community Training Centre, Finglas
Mr. Brendan Hester	Deputy Principal, Inchicore College of Further Education
Dr. David Irwin	Head of Department of Humanities Institute of Technology Tallaght
Ms Moira Leydon	Assistant General Secretary, Association of Secondary Teachers of Ireland, ASTI
Ms Mercy Eburn Peters *	Co-ordinator, Association of Refugees and Asylum Seekers in Ireland
Mr. Liam Kilbride	Education Development Officer, Presentation Education Office
Mr. David Joyce	Development Education Officer, Irish Congress of Trade Unions
Ms Mary McGillicuddy	Co-ordinator, Kerry Action for Development Education, KADE
Dr. Colm Regan	Co-ordinator 80:20, Educating and Acting for a Better World
Mr. John Daly	Communications and Fundraising Manager, Actionaid Ireland
Ms June Barry	Education Officer Ógra Chorcaí — Youth Organisation based in Cork
Professor Sheelagh Drudy	Head of Education Department, University College Dublin
Mr. Michael Doorly	Development Education Manager, Concern and Chairperson, Development Education Working Group, Dóchas

\* Mercy Eburn Peters resigned on 10 January 2006 and was replaced on 23 February by Ms Angela McCormack, public relations and events management consultant.

In September 2005, I appointed Ambassador Anne Anderson, Ambassador of Ireland to France, to the Conseil d'Administration — Administration Council — of the Fondation Irlandaise, which formally administers the Irish College in Paris, in place of Ambassador MacKernan, who has since retired. In October 2004, I appointed Ms Maggie Doyle, a Paris based literary agent, to the college's board of management

in place of Professor Prionsias Mac Cana, since deceased.

The Ireland — United States Commission for Educational Exchange, the Fulbright Commission, finances study, research, teaching and other educational activities between Ireland and the United States of America. I appointed the following members to the commission for the 2004-06 period.

Name	Background
Dr. Donal Thornhill	Former Chairperson, Higher Education Authority
Prof. Joyce O'Connor	President, National College of Ireland
Ms Una Halligan	Government and Public Affairs Director, Hewlett Packard
Dr. Tom Collins	Director, Dundalk Institute of Technology, DKIT

In the period January 2001 to September 2004, when my predecessor, Deputy Cowen, was Mini-

ster for Foreign Affairs, the following appointments were made to the following boards.

#### The Advisory Board of Ireland Aid

Name	Background
Mr. Desmond O'Malley	Former Government Minister and former Chair of the Oireachtas Joint Committee on Foreign Affairs.
Mr. Chris Flood	Former Dáil Deputy and Minister of State. Irish representative to the European Commission Against Racism and Intolerance.
Mr. David Andrews	Chairperson of the Executive Committee of the Irish Red Cross Society. Former Government Minister.
Mr. David Begg	General Secretary of the Irish Congress of Trade Unions. Former Chief Executive of Concern Worldwide.



[Mr. D. Ahern.]

Name	Background
Ms Sally O'Neill	Trócaire's Regional Director for Central America, based in Honduras.
Ms Lorraine Sweeney	Businessperson. Former Chairperson of the Small Firms Association.
Mr. Larry O' Loughlin	Head of Public Relations, Teagasc. Board member of Self Help Development International.
Mr. Howard Dalzell	Concern Worldwide, Director of Policy Development and Evaluation Unit.
Fr. Gerard O'Connor	Redemptorist priest. Previously worked with GOAL in Africa.
Mr. Jerry Liston	Executive Chairman, Michael Smurfit Graduate School of Business.
Ms Morina O'Neill	Development Education Officer with Comhlámh. Previously worked as a development worker in Belize.
Mr. Pádraig McManus	Chief Executive, Electricity Supply Board of Ireland. Worked in West Africa for a number of years.

The advisory board was chaired by Mr. Desmond O'Malley from August 2002 until July 2003. Mr. Chris Flood was appointed chairperson in September 2003.

The following were appointed to the development education advisory committee, DEAC, on its inception in 2003.

Name	Background
Dr. Peadar Ó Croimín	President, Mary Immaculate College
Mr. Michael Doorly	Development Education Manager, Concern and Chair of Development Education Working Group, Dóchas
Ms Morina O'Neill	Education Officer, Comhlámh
Ms June Barry	Education Officer, Ogra Chorcaí — Youth Organisation based in Cork
Fr. PJ Gormley	Superior, SMA Fathers
Mr. Robert Kirkpatrick	Senior Inspector, Department of Education and Science
Mr. Peter Johnson	Education Officer for Educational Disadvantage, National Council for Curriculum and Assessment, NCCA
Rev. Sahr Yambasu	Methodist Minister in Galway. Part-time chaplain in UCG and works with various refugee groups.
Ms Jacqui Harrison	Director of Social Policy, IBEC
Ms Alisa Keane	Originally employed by ICTU, now with NGO sector

On 20 March 2001, the following were appointed to the Conseil d'Administration — Admini-

stration Council — of the Fondation Irlandaise in Paris.

Name	Background
Mr. Jean Bijasson	Director of an asset management and a property management company in Paris
Ms Jennifer Campbell	Secretary and incoming Chairperson of the Friends of the Linen Hall Library, Belfast
Very Rev. Hugh Connolly, STD	Vice President of St. Patrick's College, Maynooth
Mr. Seamus Crimmins	Head of Lyric FM
Mr. William J. Glynn	Retired banker
Mr. Patrick Mac Entee	Senior Counsel
Mr. Patrick O'Connor	then Ambassador of Ireland to France

In May 2003, Minister Cowen appointed the following to the Conseil d' Administration and the

board of management of the Fondation Irlandaise.

Conseil d'Administration

Name	Background
Mr. Jean Bijasson (Secretary)	Director of an asset management and a property management company in Paris
Ms Jennifer Campbell (Treasurer)	Secretary and Chairperson of the Friends of the Linen Hall Library, Belfast

Name	Background
Very Rev. Hugh Connolly STD	Vice President of St. Patrick's College, Maynooth
Very Rev. Thomas O'Connor	Representative of St. Patrick's College, Maynooth
Mr. Fiach Mac Conghail,	Director, Abbey Theatre
Mr. Patrick Mc Entee	Senior Counsel
Ambassador Pádraic Mac Kernan	then Ambassador of Ireland to France

## Management Board

Name	Background
Ms Áine Ades	Tourism Ireland
Ms Doireann Ní Bhriain	Imaginaire Irlandais and Cultural Consultant, Culture Ireland
Very Rev Brendan Devlin	Recteur, College des Irlandais, Paris
Mr. Eugene Downes	Cultural Consultant
Mr. Pierre Joannon	Honorary Consul, Antibes
Professor Prionsias Mac Cana	School of Celtic Studies, Institute for Advanced Studies
Mr. Patrick Thomas	Counsellor, French Embassy, Dublin

In February 2003, the budgetary allocation for the DION committee on emigrant support in Britain was transferred to the Department of Foreign Affairs from the Department of Enterprise, Trade and Employment. The DION committee

has come under the aegis of my Department since then. The following were appointed or reappointed to the DION committee on 1 September 2004.

Name	Background
Mr. Séamus McGarry	Former Chair of the Federation of Irish Societies
Dr. Breda Gray	Senior Lecturer, Department of Sociology, University of Limerick
Mr. Jim O' Hara	Chairman, Irish Youth Foundation, UK
Mr. Michael Forde	Managing Director, Ceiling Grids Group, Manchester and Chairman, Irish World Heritage Centre, Manchester
Dr. Theresa Joyce	South London and Maudsley NHS Trust
Ms Catherine Quinn	Member of the then Eastern Health Board and Dublin Vocational Education Committee, VEC

The chair and secretary of the committee are serving officials in the Embassy of Ireland in London.

The Irish Refugee Agency was created in 1991. Board members were appointed by the Minister for Foreign Affairs for two year periods and boards were composed of an independent chairperson and representatives of relevant Departments connected with the admission of refugees to Ireland. Observers also attended on behalf of the United Nations High Commission for Refugees, UNHCR, a number of voluntary agencies

and individuals active in the field of refugee welfare. The Refugee Agency ceased operation and was integrated in April 2001 into the Reception and Integration Agency, which operates under the aegis of the Department of Justice, Equality and Law Reform. The following were appointed to the board of the Irish Refugee Agency in the 2000-01 period.

Name	Background
Ms Anne Colley (Chairperson)	Solicitor
Sr. Phil Sinnott	Sacred Heart Sister working with Vietnamese communities
Col. Jim Croke	Irish Red Cross
Rev. Dermot Clifford	Irish Episcopal Commission for Emigrants
Ms Mary Aylward	Department of Health
Ms Hope Hanlon	Observer, UNHCR
Mr. Peter O'Mahoney	Observer, Irish Refugee Council
Ms Denise Barry	Department of Justice, Equality and Law Reform
Ms Mary Walshe	Department of the Environment

[Mr. D. Ahern.]

Name	Background
Mr. Denis Hayes	Department of Foreign Affairs

The Agency for Personal Service Overseas, APSO, was established in 1973 as a semi-State body operating under the aegis of the Department of Foreign Affairs, with a board of directors appointed by the Minister for Foreign Affairs.

APSO was integrated into the Department of Foreign Affairs on 1 January 2004. The following is a list of the board of directors of APSO as at 31 December for each of the years 2001 to 2003.

31 December 2001

Name	Background
Ms Mairéad Hayes	Human Resources, Aer Lingus
Mr. Aidan Eames	Solicitor
Mr. Brendan Rogers	Department of Foreign Affairs
Mr. Dónal MacDonald	Staff Nominee
Mr. Robin Hanan	Development Non-Governmental Organisation
Ms Mary Sweeney	Development Non-Governmental Organisation
Mr. Mick Kiely	Development Non-Governmental Organisation
Mr. Seán Burke	Accountant
Sr. Teresa Walsh	Missionary — Missionary Sisters of the Holy Rosary
Sr. Margaret Quinn	Missionary — Medical Missionaries of Mary
Ms Maeve Healy	Financial Sector

31 December 2002

Name	Background
Mr. Aidan Eames	Solicitor
Mr. Brendan Rogers	Department of Foreign Affairs
Mr. Dónal MacDonald	Staff Nominee
Ms Mary Sweeney	Development Non-Governmental Organisation
Mr. Mick Kiely	Development Non-Governmental Organisation
Mr. Séan Burke	Accountant
Sr. Teresa Walsh	Missionary — Missionary Sisters of the Holy Rosary
Sr. Margaret Quinn	Missionary — Medical Missionaries of Mary
Mr. Joseph O'Hara	Lecturer
Mr. John Murphy	Financial Consultant

31 December 2003

Name	Background
Mr. Aidan Eames	Solicitor
Mr. Pat Bourne	Department of Foreign Affairs
Ms Catherine Boylan	Staff Nominee
Ms Mary Sweeney	Development Non-Governmental Organisation
Mr. Mick Kiely	Development Non-Governmental Organisation
Mr. Séan Burke	Accountant
Sr. Teresa Walsh	Missionary — Missionary Sisters of the Holy Rosary
Sr. Margaret Quinn	Missionary — Medical Missionaries of Mary
Mr. Joseph O'Hara	Lecturer
Mr. John Murphy	Financial Consultant
Mr. Aidan O'Connor	Engineer

The former Minister, Deputy Cowen, appointed the following to the Ireland-United States Com-

mission for Educational Exchange — the Fulbright Commission — for the 2002-04 period.

Name	Background
Dr. Donal Thornhill	Former Chairperson, Higher Education Authority
Prof. Patrick Fottrell	Former President, NUI Galway
Prof. Joyce O'Connor	President, National College of Ireland
Prof. Brian Hillery	Emeritus Professor, Graduate School of Business, UCD

### Appointments to State Boards.

162. **Mr. Nolan** asked the Minister for Arts, Sport and Tourism the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8719/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Since the establishment of my Department in June 2002 I have made the following appointments to the State bodies under the aegis of my Department.

Name of Body / State Board	Appointments since June 2002
Arts Council	Ms Olive Braiden Mr. Jerome Hynes Ms Mary Nunan Ms Rosaleen Linehan Ms Noelle Campbell Sharp Ms Orlaith McBride Mr. Theo Dorgan Mr. John McGahern Mr. Philip King Ms Una Ó Murchú Mr. Patrick Sutton Ms Emer O'Kelly Mr. Willie Doherty Mr. Alan Stanford Ms Aibhlín McCrann Mr. Maurice Foley Mr. John Crumlish
Abbey Theatre	Ms Jaki Irvine Dr. John O' Mahony Ms Eithne Healy His Honour Judge Bryan McMahon Mr. Tom Hickey
Bord Scannán na hÉireann	Ms Suzanne Kelly Mr. James Morris Mr. Alan Gilsenan Ms Margaret McCarthy-MacIntyre Mr. Tristan Orpen Lynch Ms Lesley McKimm Mr. Kevin Moriarty
National Museum of Ireland	Ms Kirsten Sheridan Dr. John O' Mahony Mr. Peter Barry Mr. Gerard Collins Mr. Brian Coyle Dr. Dervilla Donnelly Ms Niamh Fitzpatrick

[Mr. O'Donoghue.]

Name of Body / State Board	Appointments since June 2002
	Ms Susan McGrath Mr. David Hanna Ms Bernardine Hurley Mr. Eamon Lankford Mr. Proinnsias Ó'Cillín Ms Nessa O'Connor Mr. Fergus McKenna O'Hagan Mr. Nollaig Ó'Muraíle Mr. John Sheehan Dr. Ruth Whelan
Irish Museum of Modern Art	Mr. Gerard Mannix Flynn Mr. Eoin McGonigal Mr. Frank X. Buckley Ms Valerie Connor Mr. Michael Dwyer Mr. Brendan Flynn Ms Áine O'Driscoll Mr. Brian Ralaw
National Library of Ireland	Ms Patricia Tsouros Mr. Gerard Danaher Mr. Patrick F. Clyne Mr. Bob Collins Ms Ida Delamer Ms Breda Kelly Ms Máire MacConghail Ms Susan McGrath Mr. Niall McMonagle Mr. Brendan O'Donoghue Mr. Jim O'Shea Ms Margaret Toomey Ms Noreen Whelan
National Library of Ireland Board of Trustees	Mr. John Gray Mr. Jim O'Shea
Governors and Guardians of Marsh's Library	Mr. Patrick Kilroy Ms Marilyn Taylor
Chester Beatty Library	Ms Madeline O'Sullivan Ms Louise O'Mahony
National Archives Advisory Council	His Honour Judge Bryan McMahon Dr. John Bowman Mrs. Kathleen Browne Dr. Maurice Bric Mr. Christopher O'Connell Ms Máire MacConghail Prof. Eunan O'Halpin Ms Carol Quinn Dr. Raymond Refaussé Ms Joan Johnson Prof. Mary E Daly Mr. John Wilson Ms Mairead Dunlevy

Name of Body / State Board	Appointments since June 2002
National Gallery of Ireland Board of Governors and Guardians	Mr. Lochlann Quinn Mr. Bruce Arnold Mr. Anthony Cronin The Duke of Abercorn K.G. Ms Pauline Bewick Mr. Bernard McNamara Dr. Abdul Bulbulia Desmond Fitzgerald, Knight of Glin
Irish Manuscripts Commission	Prof. JFM Lydon Prof. DW Harkness Dr. Mary Daly Dr. Anngret Simms Dr. Mary O'Dowd Prof. Nicholas Canny
Irish Sports Council	Mr. James McGuire Mr. Ossie Kilkenny Mr. Niall Quinn Mr. Maurice Ahern Mr. Ronnie McBrien Ms Mary Davis Mr. Brian Mullins Mr. Peter McLoone Mr. Mick O'Dwyer Ms Marian McGennis Mr. Tony McCarthy Ms Tracy Piggott Ms Sheila Dickson Mr. Pat O'Neill
Horse Racing Ireland	Mr. John Kidd Mr. Jerry L Desmond Mr. William Flood Ms Jessica Harrington Mr. Cahir O'Sullivan Mr. Frank Clarke Mr. John G Moloney Mr. John Power Mr. Dan Kirwan Mr. Noel Cloake Mr. Pierce G Moloney Mr. Nicholas Wachman Mr. Francis Hyland Mr. Dermot Cantillon
Bord na gCon	Mr. Cathal Curley Mr. John Hegarty Ms Helen Nugent Mr. Tony McKenna Mr. Padraic Feeney Mr. Paschal Taggart Mr. Daniel Reilly Mr. Frank O'Connell

[Mr. O'Donoghue.]

Name of Body / State Board	Appointments since June 2002
Fáilte Ireland (National Tourism Development Authority)	Ms Mary McKeon Mr. Patrick O'Donoghue Ms Gillian Bowler Mr. Dominic Dillane Mr. John McDonnell Ms Catherine Reilly Mr. Noel McGinley Mr. Pádraig Ó Céidigh Ms Maureen Cairnduff Ms Eithne Scott — Lennon Mr. Noel O'Callaghan Mr. Páidí Ó Sé Mr. Brian Dowling
Bord Fáilte	Mr. Noel McGinley Mr. Patrick O'Donoghue Mr. Páidí Ó Sé Mr. Sean Dunne
Culture Ireland	Prof. Mícheál Ó Súilleabháin Mr. John O'Shea Ms Mary McCarthy Mr. Mark Mulqueen Ms Doireann Ní Bhriain Mr. Patrick Sutton Ms Eve Molony Mr. Peter Sirr Ms Dearbhla Collins Mr. Davey Arthur Ms Mary Cloake Mr. Michael Grant Mr. Gearóid Ó Broin Mr. Niall Ó Donnchú Ms Philomena Murnaghan

### Retail Pricing.

163. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment his views on whether Irish consumers are currently being ripped off due to the ever increasing practice by retailers of labelling goods in both euro and sterling prices; his further views on whether there is a serious problem in this regard and legislation is necessary; if this problem will be addressed; and if he will make a statement on the matter. [8624/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There is an obligation to display the selling price of a product under regulation 4 of Statutory Instrument No. 639 of 2002 [European Communities (Requirements to Indicate Product Prices) Regulations, 2002]. The regulations stipulate that the indication of the selling price be “unambiguous, easily identifiable as referring to that product, clearly visible and

legible to prospective customers and in proximity to the product, or in the case of a product for sale by distance contract, to the description of the product”. There is nothing in the legislation which forbids the indication of sterling prices on products. However, I accept that difficulties can arise for consumers if a sterling price is shown more prominently than the price in euros. This can be misleading and is not in keeping with the spirit of the legislation. Neither is it in keeping with Government policy that consumers be in a position to make informed choices before proceeding to complete a transaction.

I am reviewing the operation of these regulations and will be seeking legal advice on the issue of dual pricing. I will keep the Deputy informed on any proposed changes in the legislation.

### Work Permits.

164. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment if the

decision to refuse work permits to a person (details supplied) in County Tipperary will be reviewed as two separate advertisements with FÁS callnet service failed to elicit any applications for the vacant positions; the alternative efforts this employer is required to make in order to fulfil the conditions for obtaining work permits for non-EU nationals; and if he will make a statement on the matter. [8625/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The work permit section of my Department has advised me that applications for work permits to employ the named individuals were refused on 28 February 2006 on the basis that the positions were not highly skilled and highly paid.

#### Job Creation.

165. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will ascertain from the IDA if a factory (details supplied) in County Mayo has now been sold; if so, the price it was sold for; if not, the position in relation to locating jobs at the location. [8664/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is an autonomous statutory agency set up under the Industrial Development Acts 1986 to 2003. The agency

operates in accordance with the provisions of the Acts and under the aegis of my Department. The management of IDA Ireland's industrial property portfolio, including the purchase and disposal of property, is a day-to-day operational matter for the agency as part of the statutory responsibility assigned to it by the Oireachtas and not a matter in which I have any function.

I understand, however, that the IDA is currently at the advanced stage of negotiations with the owners of the factory premises at Ballinrobe, County Mayo with a view to making the property — the building and associated lands — available for further development. Meanwhile, the building and associated lands continue to be available for marketing purposes for appropriate projects interested in locating in County Mayo.

#### Appointments to State Boards.

166. **Mr. Nolan** asked the Minister for Enterprise, Trade and Employment the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8720/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The board appointments to bodies under the aegis of my Department over the past five years are set out in the following table:

State Body	Appointees
Motor Insurance Advisory Board	Ms Cora Collins Mr. Joe Langan  Mr. Adrian Cummins Ms Oonagh McPhillips Mr. Niall Cullen Mr. Barry O' Connor Ms Hilary D'alton Mr. Seamus O'Hare Mr. Liam Dolan Ms Rady Redmond Mr. John Doyle Ms Anne Troy Mr. Denis Fitzpatrick Mr. Stephen Watkins
Interim Personal Injuries Assessment Board	Ms Patricia Byron Mr. Chris Flood Ms Frances Cooke Mr. Pat Healy Mr. Frank Cuneen Mr. Tom Noonan Professor Denis Cusack Ms Mary O'Dea Ms Dorothea Dowling (Chairperson) Senator Joe O'Toole Ms Carmel Foley Mr. Tom Wall
Personal Injuries Assessment Board	Ms Patricia Byron Ms Carmel Foley Ms Frances Cooke Mr. Pat Healy Mr. Frank Cuneen Ms Mary O'Dea Professor Denis Cusack Senator Joe O'Toole Ms Dorothea Dowling (Chairperson) Mr. Tom Noonan Mr. John Fay



[Mr. Martin.]

State Body	Appointees
IDA Ireland	Ms Loretta Brennan Glucksman Mr. Ronald Long Mr. Bernard Collins Mr. Thomas G. Lynch Mr. Kieran Corrigan Mr. Frank McCabe Mr. John Dunne Mr. Paul MacKay Ms Ann Marie Gill Mr. Gerard O' Mahoney Mr. Denis Hanrahan Mr. Niall Ring Ms Bríd Horan Mr. Brian Whitney Mr. Gary Kennedy
National Competitiveness Council	Mr. Rory Ardagh Ms Annette Hughes Mr. Donal Byrne Ms Áine Mizzoni Mr. Kevin Bonner Mr. Peter McLoone Mr. William Burgess Mr. Patrick O'Brien Mr. Brendan Butler Mr. Seamus O'Morain Ms Joan Carmichael Mr. Neil Ormonde Mr. Martin Cronin Mr. Willy Slattery Bernard Collins Mr. Paul Sweeney Mr. Pat Delaney Dr. Don Thornhill Dr. John Fingleton Mr. John Travers Ms Jackie Harrison Professor Ferdinand von Prondzynski Ms Thia Hennessey Ms Jane Williams
Enterprise Ireland	Ms Lorraine Benson Mr. David McKenna Mr. John Connolly Ms Heather Ann McSharry Ms Margaret Daly Mr. Pat Molloy Ms Elaine Farrell Mr. Gerard O'Malley Mr. Gus Fitzpatrick Ms Veronica Perdisatt Mr. Brian Kearney
Craft Council of Ireland	Ms Jean Byrne Ms Mary Ann O'Brien Mr. Jim Dunne Mr. Giles O'Neill Ms Ann Foy Dr. Frances Ruane Ms Cathy Honan Mr. Martin Walsh (Chairperson)
Shannon Free Airport Development Company Ltd	Mr. Ron Carroll Mr. William Loughnane Ms Patricia Collins Mr. Liam McElligott Mr. Roger Downer Mr. Paul O'Brien Mr. Noreen Foran Mr. Brian O'Connell Mr. Kieran Grace Mr. Peter Schutz Ms Frieda Keane-Carmody

State Body	Appointees
Forfas	Mr. Sean Gorman Mr. Eoin O'Driscoll Prof. M. Hillery Mr. F. O'Rourke Ms Rosheen McGuckian Dr. D. Thornhill Mr. Rody Molloy Mr. T. Wall Mr. William Murphy Ms Jane Williams
Intertrade Ireland	Ms Mary Ainscough Ms Jackie Harrison Ms Mary Breslin Ms Inez McCormack Mr. Trefor Campbell Mr. Feargal McCormack Mr. John Fitzgerald Mr. Carl McCann Mr. Barry Fitzsimons Dr. Martin Naughton (Chairman) Mr. Jack Gilmour Mr. Robbie Smith
NSAI	Mr. Paul Bennett Mr. Simon Kelly Dr. Catherine Caulfield Mr. Martin Lynch Mr. Patrick Coffey BE Mr. John McGowan Mr. Vincent Delaney Dr. Ursula MacEvilly Ms Dorothea Dowling Mr. D. O'Loughlin Mr. Niall Fitzsimons Mr. Conor O'Mahony Ms June Finnegan Dr. Sean J. McCarthy Mr. Páraig Hennessy Ms Anne Riordan Mr. John N. Hewitt Mr. Patrick Rigney Ms Rose Hynes Mr. Edmond Stack
FÁS	Mr. William Attley Mr. Dermot Lacey Mr. Sexton Cahill Mr. Joe Morgan Ms Ruth Carmody Mr. Danny McCoy Ms Caroline Casey Mr. Peter McLoone (Chairman) Ms Cathy Crowley Ms Kathleen McLoughlin Mr. Peter Cullen Ms Margaret Mernagh Mr. Michael Dolan Mr. Dermot Mulligan Mr. Tim Duggan Mr. Jim O'Brien Mr. Brian Geoghegan (Chairman) Mr. Dermot O'Callaghan Mr. Seán Gorman Mr. James O' Leary Mr. Jenny Hayes Mr. Brian O' Raghallaigh Mr. Brian Keogh Ms Alice Prendergast Ms Sally Anne Kinahan Mr. Niall Saul Mr. Eamonn Kearns Mr. Frank Walsh Ms Bernadette Lacey Mr. Owen Wills

[Mr. Martin.]

State Body	Appointees
Science Foundation Ireland	Mr. Erich Bloch Dr. Jim Mountjoy Mr. Ned Costello Dr. Martina Newell McGloughlin Prof. Patrick Fottrell (Chairperson) Mr. Frank Mc Cabe (Deputy Chairperson) Dr. Jane Grimson Mr. Peter McDonagh Dr. Kristina Johnson Dr. Don Thornhill Dr Anita Jones Mr. John Travers Dr. Jacqueline Hunter
Patents Agents Board	Mr. Neil Buckley Mr. Peter Shortt Ms Dolores Cassidy Dr. Jacob Rajan Mr. Sean Fitzpatrick
Trade Mark Agents Board	Mr. Neil Buckley Mr. Dermot Sheridan Mr. Sean Fitzpatrick Mr. Colm Treanor Mr. Michael Kiernan
National Consumer Agency (Interim Board)	Ms Inez Bailey Ms Celia Larkin Mr. Stephen Costelloe Ms Deirdre McDonnell Dr. John Fingleton Mr. Robin O' Sullivan Ms Ann Fitzgerald (Chairperson) Ms Marie Barry Ring Ms Carmel Foley Mr. Alex Schuster Ms Gillian Kelly Mr. John Shine Mr. Eddie Hobbs Dr. Edward Shinnick
Irish Auditing & Accounting Supervisory Authority (Interim Board)	Mr. Paul Appleby Mr. Tony Kelly Mr. John Corcoran Mr. Jim Kelly Mr. Michael Deasy Mr. Ronald Long Mr. Brendan Dennehy Ms Anne Maher Ms Karen Erwin (Chairperson) Mr. Liam O' Reilly Ms Anne Fitzgerald Mr. Donal O' Connor Mr. Sean Hawkshaw Senator Joe O' Toole Mr. Tom Healy Mr. Ben Power Mr. Pat A. Houlihan
Irish Auditing & Accounting Supervisory Authority	Mr. Paul Appleby Mr. Tony Kelly Ms Helene Coffey Mr. Pat A. Houlihan Ms Marie Daly Mr. Jim Kelly Mr. Michael Deasy Ms Anne Maher Ms Karen Erwin (Chairperson) Mr. David Martin Mr. Sean Hawkshaw Mr. Donal O' Connor Mr. Tom Healy Senator Joe O' Toole

State Body	Appointees
Competition Authority	Mr. Terry Calvani Mr. Ted Henneberry Dr. John Fingleton Ms Noreen Mackey Ms Isolde Goggin Mr. William Prasifka Dr. Paul Gorecki Mr. Declan Purcell Mr. Stanley Wong
Labour Court	Mr. Eamon Carberry Mr. Peter Murphy Mr. John Doherty Mr. Jack Nash Mr. Kevin Duffy Mr. Pádraigín Ní Mhurchú Mr. Finbarr Flood Mr. Jimmy Somers Mr. Robert Grier Mr. Noel O'Neill Mr. Vincent Keogh Mr. Hugh O'Neill Mr. Cormac McHenry Mr. Patrick Pierce Mr. Raymond McGee
Labour Relations Commission	Mr. Peter Bunting Mr. Brendan McGinty Mr. Maurice Cashell Mr. Peter McLoone Mr. Liam Downey Ms Caitriona Murphy Ms Josephine Feehily Mr. Kieran Mulvey Ms Breege O'Donoghue
Rights Commissioners Service	Mr. Tony Bregazzi Mr. Finn Lawless Ms Joan Carmichael Mr. Mark A McGrath Gerry Fleming Ms Lenore Mrkwicka Janet Hughes Mr. Michael Rooney Mr. David Iredale
Employment Appeals Tribunal. Period of Appointment: January 2001-2004	Sarah Berkely Gerard Brady Anne Bunni Ailbhe Burke Emile Daly Triona Daly Tony Halpin Dan Horan Elva Kearney Dermot MacCarthy Lisa McDonald Paul McGarry Penelope McGrath Rosemary O'Connell Peter J O'Leary Kate O'Mahony Moya Quinlan Joe Revington Patricia Ryan Tom Ryan Jeremiah Sheedy Eveta Brezina Nick Broughall Mary Burke Anne Clune Jim Dorney Breda Fell Sean Galavan Noirin Greene Philomena Harrington John Kane Ben Kearney

[Mr. Martin.]

State Body	Appointees
	Nuala Kehir Tony Kennelly Mary Maher Des Mahon Aidan McCormack John McDonnell Michael McGarry Bernard McKenna Alice Moore Lenore Mrkwicka Clare O'Connor Kevin O'Connor Seamus O'Donnell Paddy O'Shaughnessy Tommy Perkins Sean Redmond Ciaran Ryan Kitty Warnock Paddy Woods Harry J Baird Patrick Bracken Clare Carroll Ann Delahunty Michael Dunne Carl Fay T P Flood Michael Forde Pat Harrington Michael C Hennigan Richard Keating Ben Kealey Richard Kennan Tina Leonard Gerry McAuliffe Patrick McKeown Des Morrison Billy O'Carroll Paul O'Grady Margaret O'Leary Paul O'Leary James O'Neill C A Ormond Jas A Power William Power Robert D E Prole Jim Redmond John Reid Edmond Sheehy Declan F Winston Mary Faherty (January April, 2002)
Period of Appointment January 2004-2007:	Kieran Buckley Dympna Cusack Emile Daly Catherine Egan John Fahy Fergal T Fitzgerald-Doyle James Flanagan Myles Gilvarry Clodagh Gleeson Bernadette Glynn Patrick G Goold Con Guiney Tony Halpin Dara Hayes Elva Kearney Kevin P Kilrane Margaret Levey Dermot MacCarthy Sean Mahon Eoin Martin Penelope McGrath Leachlain Ó Catháin Mark O'Connell Thomas O'Donoghue

State Body	Appointees
	Peter J O'Leary Marian Petty Moya Quinlan Joe Revington Tom Ryan Jeremiah Sheedy Geraldine Small Patrick Bracken Joe Browne William Brown Pat Casey Frank Cunneen Anne Delahunty T P Flood Michael Forde Tom Gill James Goulding John Guinan Richard Keating Ben Kealy Mel Kennedy Gerry McAuliffe Cyril McHugh Don Moore Desmond Morrison Michael J Murphy Roger Murphy Terence O'Donnell Paul O'Leary James O'Neill C A Ormond Gerry Phelan Pat Pierce Peter Pierson Jas A Power William Power Robert Prole Jim Redmond John Reid Eamonn Ryan Maire Sweeney John Walsh Declan Winston Frank Barry Rita Bergin Eveta Brezina Nick Broughall Brendan Byrne Paul Clarke Anne Clune Jim Dorney Breda Fell Kay Garvey Noirin Greene George Hunter Ben Kearney Hilary Kelleher Tony Kennelly George Lamon Sean Mackell Mary Maher Des Mahon Rita McArdle John McDonnell Dominic McEvoy Michael McGarry Bernard McKenna Alice Moore Jim Moore Sam Nolan Owen Nulty Clare O'Connor Kevin O'Connor Seamus O'Donnell Emer O'Shea Ciaran Ryan Catherine Warnock Patrick Woods Tom Wall Kate O'Mahony (January 2005-2008)

[Mr. Martin.]

State Body	Appointees
Health & Safety Authority (National Authority for Occupational Safety & Health)	Mr. T. Briscoe Mr. J. Lyons Ms M. Coy Mr. M. Lynch Ms S. Corbett Ms C. McEleney Mr. S. Cronin Mr. P. McCabe Mr. F. Cunneen Ms L. Mrkwicka Mr. F. Cunneen Ms L. Mrkwicka Mr. S. Daly Mr. C. O'Cuinneagain Ms M. Dorgan Ms L. O'Donnell Mr. D. J. Gilroy Ms M Rock Ms AM. Hayes Ms R. Sheerin Mr. J. Hegarty Ms Y. Sullivan Mr. P. Kearney Mr. F. Whelan

### Job Creation.

167. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of potential employers the IDA or Enterprise Ireland have had visit a factory (details supplied) in County Wexford that is awaiting an occupier; if his attention has been drawn to any company or person who is at present in negotiations with the IDA or Enterprise Ireland; and if he will make a statement on the matter. [8733/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There have been two IDA site visits to the advance technology building in Enniscorthy but neither of the companies in question took up the option on the facility. However, I now understand that negotiations with a potential tenant are ongoing in relation to the facility and I will inform the Deputy of the outcome of these negotiations in due course.

### Social Welfare Benefits.

168. **Dr. Cowley** asked the Minister for Social and Family Affairs the options available to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [8681/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned was awarded disability benefit from 15 February 1996. Her claim was disallowed from 23 February 2004 after she was found capable of work by a medical assessor of the Department. She appealed against the disallowance and she was examined by a different medical assessor who also considered her to be capable of work. Her case was then referred to an appeals officer who upheld the decision to disallow disability benefit. She was notified of this decision on 19 January 2005.

The person concerned claimed unemployment benefit from 23 February 2004 until her entitlement to unemployment benefit was exhausted on 21 May 2005. She signed for unemployment credits until 29 October 2005. No application for disability or unemployment payments has been received since that date. The person concerned would not qualify for payment of disability benefit at this time as she does not have the required number of recent reckonable PRSI contributions. However, she will qualify for the award of credited contributions which could help to qualify her for benefit in the future.

Disability allowance is a weekly allowance paid to people with a specified disability who are aged 16 or over and under age 66. The disability must be expected to last for a least one year and the allowance is subject to both a medical assessment and a means test. A disability allowance claim form was issued to the person concerned on 28 February 2006. To apply for same, she should complete the claim form and return it to the Department. Her case will then be examined and she will be notified of the outcome accordingly.

In the meantime, if her means are not sufficient to meet her needs, the person concerned should contact the community welfare officer at her local Health Service Executive office who will advise her of her possible entitlement to supplementary welfare allowance.

169. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded rent supplement; if his staff will be directed to award rent supplement to people in full-time education and in similar circumstances. [8686/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are available to eligible people through the supplementary welfare

allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in determining entitlement in individual cases.

Section 190(1) of the Social Welfare (Consolidation) Act 2005 provides that people in full-time education are not normally eligible to receive assistance, including rent supplements, under the supplementary welfare allowance scheme. Section 190(3) of the Social Welfare (Consolidation) Act 2005 and regulations made thereunder provide that in a case where there are exceptional circumstances, supplementary welfare allowance may be granted to a person who would qualify other than for their exclusion under section 190(1). This discretion is aimed at enabling assistance to be provided through the scheme if necessary to people who face an exceptional non-recurring cost which they cannot meet from their own resources. This exceptional needs provision is not intended to circumvent existing standard rules for other schemes. The executive has previously advised that, in its opinion, there are no special circumstances in this case to merit payment of assistance on an exceptional basis.

The position therefore remains the same to that given in my response to a question from the Deputy on 23 February 2006. The executive has advised that in considering her application for rent supplement in her college location, it has thoroughly examined all information available to it in relation to the circumstances of the person concerned and has determined that she is not eligible on the basis that she is a full-time student. It has further advised that this decision has been upheld by the executive's designated appeals officer.

### Appointments to State Boards.

170. **Mr. Nolan** asked the Minister for Social and Family Affairs the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8721/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal. In addition, the Pensions Ombudsman comes under the remit of my Department. Appointments made to these agencies since 1 March 2001 are outlined in the following tables.

The Pensions Board was established in December 1990 under the Pensions Act 1990. The role of the board is to monitor and supervise the provisions of the Pensions Acts, as amended, relating to occupational pensions and to advise the Minister on all matters relating to its func-

tions and on matters relating to pensions generally.

Name	Date Appointed
Dermot Quigley	24/09/01
Michael O'Halloran	01/06/02
Carmel Foley	01/06/02
Michael McNulty	16/02/04
William Beausang	21/12/05
Kevin Brabazon	21/12/05
Rosalind Briggs	21/12/05
Rosheen Callender	21/12/05
Julian Caplin	21/12/05
Marie Daly	21/12/05
John Dillane	21/12/05
Mary O'Donnell	21/12/05
Emer O'Flanagan	21/12/05
Michael O'Halloran	21/12/05 (Reappointed)
Tiarnan O'Mahoney	21/12/05
Gerry Ryan	21/12/05
Dervla Tomlin	21/12/05
Anne Vaughan	21/12/05
Mary Wade	21/12/05
Fergus Whelan	21/12/05
Tom Wright	21/12/05

The Combat Poverty Agency was established in September 1986 under the Combat Poverty Agency Act 1986. The main functions of the agency are to advise the Minister for Social and Family Affairs on all aspects of economic and social planning in relation to poverty; to initiate and evaluate measures aimed at overcoming poverty; and to promote greater public understanding of the nature, causes and extent of poverty and the measures necessary to overcome poverty.

Name	Date Appointed
Brian Duncan	08/03/01
Bernard Feeny	08/03/01
Mary Kennedy	08/03/01
Seamus McAleavey	11/07/01
Helen Johnston	06/09/01
Joan O'Flynn	05/12/02
Tony Lane	31/01/03
Maria Gorman	31/01/03
Frank Curran	31/01/03
Anthony Gavin	31/01/03
Alice Robertson	31/01/03
Marie O'Neill	20/02/03
Olive Sweetman	07/05/03
Maria Corrigan	07/05/03
Margaret Sweeney	20/08/03
Tony O'Callaghan	20/08/03
Pearse O'Hanrahan	06/12/03



[Mr. Brennan.]

Name	Date Appointed
Brian Duncan	08/03/04 (Reappointed)
Callista Bennis	01/06/04
Helen Johnston	01/06/04 (Reappointed)
Orlaigh Quinn	15/06/04
Seamus McAleavey	02/09/04 (Reappointed)
Helen Johnston	01/06/05 (Reappointed)
Barbara Walshe	25/01/06

Comhairle was established on 12 June 2000 under the provisions of the Comhairle Act 2000. Comhairle is responsible for supporting the provision of independent information, advice and advocacy services for citizens throughout the country, including people with disabilities.

Name	Date Appointed
John Quinlivan	30/08/01
Rosemary Farrell	30/08/01
Brian Flynn	30/08/01
Rosarie Moylan	30/08/01
Ian Coulter	30/08/01
Fionnuala McCarthy	05/10/01
Tom Daly	12/09/02
Paul Hogan	12/09/02
John Bosco Conomo	12/09/02
Caroline Casey	12/09/02
Nigel Brander	12/09/02
Inez Bailey	12/09/02
Máirín Byrne	12/09/02
Clare Young	12/09/02
John Hogan	19/06/03
Joe Meagher	19/06/03
David Ormond	19/06/03
Michael Walsh	19/06/03
Patricia Walshe	19/06/03
Martin Naughton	19/06/03
Maria Mangan	08/07/03
Hubert Kearns	04/11/03
Brian Flynn	01/09/04 (Reappointed)
Mary Lyne	01/09/04
Chris Glennon	16/01/06
Hilary Hayden	16/01/06
Mary B. Fanning	16/01/06
James Smyth	16/01/06
Máirín Byrne	16/01/06 (Reappointed)
Gerry Daly	08/02/06

The Family Support Agency was established on 6 May 2003, under the Family Support Agency Act 2001. The remit of the agency is to provide a family mediation service, support, promote and develop the provision of marriage and relationship counselling and other family supports, support, promote and develop the family and com-

munity and to undertake research, provide and disseminate information about parenting and family issues and provide advice to the Minister on matters relating to its functions.

Name	Date Appointed
Michael O'Kennedy	06/05/03
Clare Cashman	06/05/03
Paddie Connellan	06/05/03
Sinead Hanly	06/05/03
Dick Hickey	06/05/03
Gerry Mangan	06/05/03
Brendan Murphy	06/05/03
Dilly O'Brien	06/05/03
Colm O'Connor	06/05/03
Brid Rocks	06/05/03
Muriel Walls	06/05/03
Magaret Farrell	31/07/03
Rita Hayes	06/05/05
Dick Hickey	06/05/05 (Reappointed)
Paddie Connellan	06/05/05 (Reappointed)
Brid Rocks	06/05/05 (Reappointed)
Muriel Walls	06/05/05 (Reappointed)
Helen Faughnan	31/05/05
Geoffrey Corry	18/11/05
Angela Gaule	12/12/05

The Social Welfare Tribunal is a statutory body set up in 1982 to deal with cases where entitlement to unemployment benefit or assistance is refused due to an involvement in a trade dispute. The tribunal is an independent agency. The members are appointed by the Minister on foot of nominations by the Irish Congress of Trade Unions and the Irish Business Employers Confederation.

Name	Date Appointed
Colin Walker	07/03/03
Colin Walker	04/10/03 (Reappointed)
Fergus Whelan	04/10/03
Dympna Harper	04/10/03
Richard Keating	04/10/03
Patrick Pearse	04/10/03

### Social Welfare Benefits.

171. **Mr. Durkan** asked the Minister for Social and Family Affairs the full extent of rent support available to persons (details supplied) in County Kildare; and if he will make a statement on the matter. [8789/06]

**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. Neither I nor my Department have any function in relation to decisions on individual claims. Under supplementary welfare allowance rules, rent supplement is not normally payable to couples where either of them is engaged in full-time employment. For these purposes, employment for 30 hours or more per week is regarded as full-time.

The position in relation to this case remains the same as that given in my response to a question from the Deputy on 8 February 2006. The executive has advised that the persons concerned were refused a rent supplement on the grounds that one of the applicants was engaged in full-time employment. It is open to the persons concerned to appeal this decision to the executive's designated appeals officer.

#### Road Traffic Accidents.

172. **Ms Shortall** asked the Minister for Transport the number of collisions resulting in a fatality and a serious injury in each of the past ten years by vehicle age. [8748/06]

**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. The reports do not give details of the number of collisions resulting in a fatality and a serious injury by vehicle age.

#### International Agreements.

173. **Mr. P. Breen** asked the Minister for Transport if he is proposing to include for the joint committee under Article 17 of the US-EU Air Transport Agreement a periodic review of the way in which the new open skies regime will affect Shannon Airport following the ending of the dual gateway policy; and if he will make a statement on the matter. [8621/06]

**Minister for Transport (Mr. Cullen):** The overall purpose of the joint committee is, at least once a year, to conduct consultations relating to the EU-US Air Transport Agreement, and to review its implementation. Any party to the agreement may also call a meeting of the joint committee to discuss questions relating to the interpretation or application of the agreement.

One of the fundamental purposes of the EU-US agreement is to grant open traffic rights across the Atlantic to all EU and US airlines to every point in each other's territory, to include Ireland from April 2008 after the transitional period. There is no question of this fundamental

principle of open skies being open for amendment by the joint committee.

#### Haulage Industry.

174. **Ms O. Mitchell** asked the Minister for Transport the number of tachograph inspections or checks carried out by transport officers from his Department on heavy goods vehicles in 2003, 2004 and 2005; the number of such vehicles found to be in breach of the law in each year; the number of prosecutions which resulted in each year; and if he will make a statement on the matter. [8675/06]

**Minister for Transport (Mr. Cullen):** Details of drivers' records inspected by transport officers during visits to operator premises and at roadside checks for the years in question are set out in the following table.

Year	2003	2004	2005
Premises	3,704	3,506	3,788
Checkpoints	2,342	2,106	1,388

The number of drivers' hours infringements detected in each of the years in question is as follows:

Year	2003	2004	2005
Infringements	3,622	4,603	4,254

The number of prosecutions taken in each of the years in question is as follows:

Year	2003	2004	2005
Prosecutions	244	158	103

#### Road Traffic Offences.

175. **Ms O. Mitchell** asked the Minister for Transport if it is his intention as reported to ban heavy goods vehicles including bus-coaches from the outside lane of motorways and to make them liable for penalty points or if this ban is to apply to passenger carrying vehicles. [8687/06]

**Minister for Transport (Mr. Cullen):** Under article 33 of the Road Traffic (Traffic and Parking) Regulations 1997, it is prohibited to drive a heavy good vehicle, a bus or coach that accommodates more than eight passengers and any vehicle that is towing a trailer etc, in the outside lane of a motorway 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.

Those classes of vehicles are subject to a maximum, vehicle-related speed limit of 80 km/h whereas the default motorway speed limit is 120

[Mr. Cullen.]

km/h. This 1997 ban on driving in the outside lane of motorways 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. From April penalty points will be applied to the driving licence records of drivers of vehicles in the classes mentioned who are convicted in court or after payment of a fixed charge in lieu of going to court as a result of breaching this motorway driving rule.

176. **Ms Shortall** asked the Minister for Transport the statutory instrument governing the use of bus-lanes; the regulation regarding the use of contra-flow bus lanes by taxis; the reason taxis are permitted to use some of these but not others; his views on whether they should be allowed to use all bus-lanes; and if he will make a statement on the matter. [8697/06]

**Minister for Transport (Mr. Cullen):** Provisions regarding the use of bus lanes are set out in articles 32 and 39 of the Road Traffic (Traffic and Parking) Regulations 1997, SI 182 of 1997, as amended in article 2 of Road Traffic (Traffic and Parking) (Amendment) Regulations 1998, SI 441 of 1998.

Article 32 provides that only large public service vehicles and cyclists can enter bus lanes during the operative period and that an exception is made for a taxi or a wheel chair accessible taxi which is being used in the course of business. It is also provided that, except for the purpose of access, only large public service vehicles can enter a bus-only street. The result of this measure is that taxis and other vehicles can use a bus-only street if access to premises on that street is required.

In addition, the article provides that only a large public service vehicle can enter a contra-flow bus lane. This prohibition and single user status is based on road safety considerations and to give priority to the operation of large public service vehicles. I have no plans to permit taxis to use all bus-lanes.

#### Appointments to State Boards.

177. **Mr. Nolan** asked the Minister for Transport the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8722/06]

**Minister for Transport (Mr. Cullen):** The Department of Transport was set up in June 2002. The appointments made since that date are outlined in the following table. Those marked with an asterisk were made during my tenure of office.

Names
<i>National Roads Authority</i>
Mr. Fred Barry *
Mr. Eddie Breen *
Mr. Eric Fleming *
Mr. David Holden
Mr. John Newell
Mr. Donncha Ó Cinnéide *
Mr. Brendan O'Meara
<i>Irish Aviation Authority</i>
Mr. Eamonn Brennan
Mr. Neil Branagan
Mr. Frank Conway
Ms Jacqueline Jameson *
Mr. Philip Caffrey *
Mr. Jerry V. Liston *
Mr. Donal Geaney
<i>Taxi Regulator</i>
Mr. Ger Deering
Mr. Pat Byrne
Chief Supt Denis Fitzpatrick
Ms Noreen Mackey
Ms Sadie Doherty
Mr. Jerry Brennan
Mr. John Ussher
Ms Deirdre Power
Dr. Deirdre O'Keeffe
Mr. Michael Kilcoyne
Mr. Vincent Kearns
Ms Denise Kinahan
Mr. Tom Fannin
Mr. Brian Killeen
Ms Mary Keogh
Mr. Vincent Thornton
Mr. Christopher Humphrey
Mr. Joe Gavin
Ms Carmel Mulroy
Ms Lucy O' Donoghue
Chief Supt John T. Farrelly *
Mr. Douglas Jordan *
Mr. Derek Dalrymple *
Mr. Donie O'Shea *
Mr. Tommy Gorman *
<i>Railway Procurement Agency</i>
Mr. Frank Allen
Mr. John Maguire
Mr. Brendan P. Malone *
Mr. Hamid Foroughi
<i>Aer Lingus</i>
Mr. John Sharman (as Chairman) *
Mr. Chris Wall
Mr. Brian Dunne

Names
Mr. Sean Fitzpatrick
Ms Anne Mills
Mr. Ivor Fitzpatrick *
Mr. Dermot Mannion *
Mr. Francis Hackett *
CIÉ
Mr. Paul Kiely
Mr. John Sorohan
Mr. Justin Baily
Mr. Norman Wilkinson
Mr. Kevin Cronin
Dr. John J. Lynch *
Mr. Paul Kiely *
Mr. John Sorohan *
Mr. Niall Ormonde *
Ms Mary Canniffe *
Ms Yvonne Scannell *
<i>Dublin Transportation Office</i>
Mr. Kevin Ring
Mr. Finian Matthews *
Mr. John Tierney *
Mr. Tom Dowling
Mr. Bill Lilley
Mr. Tim Hayes *
Mr. Joe Meagher *
Asst. Comm. Al McHugh *
Ms Mary Darley *
Mr. Frank Allen
Mr. Tony Kelly *
<i>Medical Bureau of Road Safety</i>
Prof. Denis Cusack
Prof. Bernadette Herity
Mr. Brendan Gogarty B.L.
Dr. Fenton Howell
Ms Hilary Dalton
<i>National Safety Council</i>
Mr. John Weafer *
Mr. Brian Huston *
Mr. Harry Cullen *
Mr. Eddie Shaw *
Ms Bernadette Kinsella *
Ms Mary Roche *
Mr. Declan McDonnell *
Ms Gráinne Harte *
Mr. Edward Rock *
<i>Aer Rianta</i>
Mr. Joe Gantly
Mr. Patrick Shanahan
Ms Margaret Sweeney
Mr. Aidan Mullally

Names
<i>Dublin Airport Authority</i>
Mr. Gary McGann *
Mr. Declan Collier *
Sir Michael Hodgkinson *
Mr. Colm Barrington *
Ms Marie O'Connor *
Mr. Bill Cullen *
Mr. Anthony Spollen *
Mr. Desmond Cummins *
Ms Mary Davis *
Mr. Arthur Hall *
Mr. Michael Landers *
Ms Linda Tanham *
Mr. Dermot O'Loughlin *
Mr. Patrick Fitzgerald *
Mr. Barry Nevin *
Ms Marion Keating *
Mr. Brian Lynch *
<i>Shannon Airport Authority</i>
Mr. Patrick Shanahan
Mr. Patrick Blaney
Ms Rose Hynes
Mr. Tadhg Kearney
Mr. Michael B. Lynch
Mr. Padraic Burke
Mr. Reg Freake
Ms Olivia Loughnane
Mr. Joe Buckley *
Mr. John McCarthy *
Mr. Eddie O'Grady *
Mr. Eddie Russell *
Mr. Paul Dagger *
<i>Cork Airport Authority</i>
Mr. Joe Gantly
Mr. Pat Keohane *
Ms Loretta Glucksman
Mr. Eoin Ó Catháin
Ms Veronica Perdisatt
Mr. Don Cullinane
Mr. Humphrey Murphy
Mr. Alf Smiddy
Mr. Tom O'Neill *
Mr. Seán Mac Suibhne *
Mr. Pat Dalton
Ms Mary O'Halloran *
Mr. Tony O'Connell *
Mr. Garrett Lyons *

### Driving Tests.

178. **Mr. Kehoe** asked the Minister for Transport the number of driver testers which were on duty in an area (details supplied) each day in the

[Mr. Kehoe.]

past 12 months; and if he will make a statement on the matter. [8730/06]

test centre over the past 12 months is outlined in the following table.

**Minister for Transport (Mr. Cullen):** The number of driver testers assigned to the Gorey

Date (W/C = week commencing)	No. of Testers Assigned	Date	No. of Testers Assigned
W/C 28/02/05	1	W/C 29/08/05	1
W/C 07/03/05	2	W/C 05/09/05	2
W/C 14/03/05	NIL	W/C 12/09/05	2
W/C 21/03/05	1	W/C 19/09/05	2
W/C 28/03/05	NIL	W/C 26/09/05	2
W/C 04/04/05	2	W/C 03/10/05	2
W/C 11/04/05	1	W/C 10/10/05	2
W/C 18/04/05	1	W/C 17/10/05	2
W/C 25/04/05	2	W/C 24/10/05	2
W/C 02/05/05	NIL	W/C 31/10/05	2
W/C 09/05/05	1	W/C 07/11/05	2
W/C 16/05/05	2	W/C 14/11/05	2
W/C 23/05/05	1	W/C 21/11/05	2
W/C 30/05/05	2	W/C 28/11/05	2
W/C 06/06/05	NIL	W/C 05/12/05	2
W/C 13/06/05	1	W/C 12/12/05	2
W/C 20/06/05	2	W/C 19/12/05	2
W/C 27/06/05	NIL	W/C 26/12/05	NIL
W/C 04/07/05	NIL	W/C 02/01/06	2
W/C11/07/05	1	W/C 09/01/06	2
W/C 18/07/05	NIL	W/C 16/01/06	2
W/C 25/07/05	2	W/C 23/01/06	1
W/C 01/08/05	NIL	W/C 30/01/06	1
W/C 08/08/05	2	W/C 06/02/06	2
W/C 15/08/05	1	W/C 13/02/06	2
W/C 22/08/05	NIL	W/C 20/02/06	2
W/C 27/02/06	2		

### National Car Test.

179. **Ms Shortall** asked the Minister for Transport the way in which the national car testing service is accountable to him; the monitoring arrangements that are in place to ensure that the service is operating in compliance with its contract and terms of operation; and if he has satisfied himself with the accountability of the service and the monitoring arrangements. [8750/06]

**Minister for Transport (Mr. Cullen):** National Car Testing Service Limited, NCTS, is required, under the car-testing contract, to meet a range of performance standards for the service. These standards, which are designed to ensure test integrity and a high level of customer service, cover premises, test equipment, staff, test arrangements, facilities management, information technology and customer service.

The Department of Transport monitors the performance of NCTS to ensure that it delivers the service to the required standard. To assist the

Department in that function a supervision services contractor — a consortium involving PricewaterhouseCoopers and the Automobile Association with engineering, financial, legal, IT and operational expertise — has been engaged and is working to an agreed programme for the Department. This programme includes: detailed monthly operational audits of the company's performance; regular controlled checks to ensure that consistent test results are obtained across the NCTS test centre network; each month reviewing the performance of a sample of vehicle testers as they carry out tests; carrying out spot checks without any advance warning on a representative sample of cars that have just undergone the NCT; carrying out detailed interviews with a representative sample of customers to assess customer satisfaction levels; and an annual review of the company's overall performance.

These measures ensure that the car testing service is comprehensively monitored and supervised and I am satisfied that the company is meet-

ing the performance standards set for the service in the contract.

### Traffic Management.

180. **Ms O. Mitchell** asked the Minister for Transport if, in view of the need for early traffic reduction measures to coincide with the inevitable traffic disruption of Transport 21, he will seek special tax incentives, similar to the tax saver scheme, for users of van pools. [8752/06]

**Minister for Transport (Mr. Cullen):** The implementation of the major infrastructure projects in Transport 21 will have some traffic impact during construction and major traffic benefits once operational. The various implementing agencies are acutely conscious of the need to minimise traffic impact during construction and will develop appropriate traffic management strategies in consultation with the local authorities, as traffic authorities.

On a wider front, the Department of Transport is looking at a range of possible options for promoting a more sustainable approach to transport, including the use of fiscal incentives. If it is felt that fiscal incentives such as the one referred to by the Deputy could play a significant role in promoting sustainable solutions, proposals will be put to the Minister for Finance for consideration as part of the annual budget preparations.

### Grant Payments.

181. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No. 40 of 14 December 2005, the reason that the applicant did not have an opportunity to seek such a grant from other organisations outside the Gaeltacht; his views on whether he needs to clarify these matters more; what he meant when he said the applicant did not have the opportunity to obtain a grant anywhere else outside the Gaeltacht in view of fact that the applicant's quarry operation was clearly outside the Gaeltacht at the time. [8665/06]

182. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding correspondence (details supplied); if, in view of the EI report and its caution to Údarás the reason they acted directly against such recommendations in their capital grant aid decision; the further reason Údarás did a U-turn on the matter less than two months later in view of its own correspondence to the applicant of 21 October 1998 not to recommend a capital grant. [8666/06]

184. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if, given that the real problem in a case was that a bogus address was used on the grant application (details supplied) in the first place, his views on whether this was a mistake or a misunderstanding due to

townland boundary definition difficulties; and his further views on whether there was never any need for Údarás to take any steps given that the said townland boundary, mapped the same now as it has been since pre-Famine times, is fully visible and definable along its entire length in this area by a solid 6 ft high stone wall with a number of large boulders in it. [8668/06]

185. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the company which was the grant recipient of a grant referred to during the Committee of Public Accounts meeting on 17 November 2005; when it was paid; the amount paid; what it was for; the townland address which was on the grant application at the time; and the relations it had to the 1998 approved grant. [8669/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 181, 182, 184 and 185 together.

I refer the Deputy to my reply to Questions Nos. 921 and 922 of 25 January 2006.

### Grant Applications.

183. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether any person, body or company that knowingly uses a bogus address on an Údarás grant application commits a crime; that any person, body or company who obtains an Údarás grant using a bogus address on the application should not be allowed to keep it but should be required to pay it back with interest and penalties; and that if it were found that a person, body or company used a bogus address on an Údarás grant application, the file and all third party correspondence should be passed to the Garda Síochána for investigation. [8667/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy is asking a hypothetical question and also seeking interpretations of law. If the Deputy has any specific case in mind and gives me the relevant information, I will consider the issue further.

*Questions Nos. 184 and 185 answered with Question No. 181.*

### Craoladh Gaeilge.

186. D'fhiafraigh **Mr. Gregory** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta i bhfianaise na maitheasa atá déanta don Ghaeilge agus d'íomhá na Gaeilge sa phobal de thoradh an mhéadaithe ar chraolachán Gaeilge ar na stáisiúin a thagann faoi chúram Choimisiún Craolacháin na hÉireann, CCÉ, cad é an tuairim atá aige ar chinneadh CCÉ deireadh a chur leis an bpost mar chomhordaitheoir Gaeilge ar fhoireann an Choimisiúin; agus, dá bhrí sin, an bhfuil sé i geist ag an Aire scéim a ullmhú faoin Acht

[Mr. Gregory.]

Teanga chun an neamart seo a réiteach.  
[8691/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thugas ar Cheisteanna Uimh. 349 agus 352 faoin ábhar seo ar 28 Feabhra 2006.

#### Appointments to State Boards.

187. **Mr. Nolan** asked the Minister for Community, Rural and Gaeltacht Affairs the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8723/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my reply to Question No. 366 of 22 March 2005, which gave details of the names of appointments made by me or the Government to public boards and bodies under the aegis of my Department.

The appointments made since that date are as follows.

#### POBAL

Appointments by Government to the Board of Pobal, formerly ADM Limited

Name	Date of Appointment
Dr. Tom Collins	11/11/2005
Dan Joe O'Donovan	11/11/2005
Pauline Dooley	11/11/2005
Monica Duff	11/11/2005
Joe Horan	11/11/2005
Áine Breathnach	11/11/2005
Sr. Carmel Earls	11/11/2005

#### National Drugs Strategy Team, NDST

Name	Date of Appointment
Tom Gallagher	Jan 2006
Anna-May Harkin	Dec 2005
Cathal Morgan	April 2005

#### National Advisory Committee on Drugs, NACD

Name	Date of Appointment
Cathal Morgan	July 2005
Michael Conroy	Oct 2005
Jackie Blanchfield	10/11/2005

#### Dormant Accounts Fund Disbursements Board

Name	Date of Appointment
David Brennan (re-appointed)	15/06/2005
Una Henry	15/06/2005
Gerry Ryan	15/06/2005
Seamus Thompson	15/06/2005

On 4 January 2006, the Dormant Accounts Fund Disbursements Board was dissolved, and the Dormant Accounts Board established. Details of appointments to the Dormant Accounts Board are listed in the following table.

#### Dormant Accounts Board

Name	Date of Appointment
Michael Morley	04/01/2006
Gerry Ryan	04/01/2006
Séamus Thompson	04/01/2006
Dónal Ó Síocháin	04/01/2006
Enda Twomey	04/01/2006
Áine Hyland	04/01/2006
Frank Ward	04/01/2006
Kathleen Feely	04/01/2006
Noel McPartland	04/01/2006
David Martin	04/01/2006
Rosaleen Glackin	04/01/2006

#### Údarás na Gaeltachta

Name	Date of Appointment
Liam Ó Cuinneagáin, Chairperson	19 April 2005
Cathy Ní Ghoill	27 April 2005
Treasa Uí Lorcáin	3 October 2005

#### Bord na Leabhar Gaeilge

Name	Date of Appointment
Pól Ó Goill	9 November 2005
Noreen D'Arcy	28 February 2006

Regarding An Foras Teanga, nominations to fill vacancies are made by the Irish Government and the Northern Ireland authorities, with appointments being made by the North-South Ministerial Council. Mark Thompson was appointed to the Ulster-Scots Agency to fill a casual vacancy in that position with effect from 20 June 2005 and subsequently as chair of the agency, with effect from 12 October 2005. I might also mention that the term of office of all existing Foras Teanga board members was extended in December 2005 for a period of one year.

### Grant Payments.

188. **Mr. Deenihan** asked the Minister for Agriculture and Food when a single farm payment will be awarded to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [8676/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application under the single payment scheme on 22 April 2005. He also applied to have his entitlements consolidated under the 2005 single payment scheme. The entitlements of the person named have now been consolidated, and full payment will issue to the applicant shortly.

### Decentralisation Programme.

189. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of Bord Bia and Bord Glas staff that have applied for decentralisation to the proposed new headquarters in Enniscorthy, County Wexford under the Government's decentralisation plan; the percentage of the total number that it represents; and if she will make a statement on the matter. [8737/06]

**Minister for Agriculture and Food (Mary Coughlan):** The central applications facility, CAF, shows that out of 67 positions in Bord Bia, there are 18 personnel willing to transfer with Bord Bia, and one who wants to transfer out of the organisation.

190. **Mr. Kehoe** asked the Minister for Agriculture and Food if a location and premises have been secured for the proposed Bord Bia and Bord Glas headquarters to be located at Enniscorthy, County Wexford under the Government's decentralisation plan; and if she will make a statement on the matter. [8738/06]

**Minister for Agriculture and Food (Mary Coughlan):** Working in conjunction with the OPW, the board and senior management of Bord Bia inspected a number of properties in Enniscorthy. Arising therefrom, one was selected as the preferred site, and the matter of site acquisition is now being pursued by the OPW.

### Grant Payments.

191. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a REP scheme payment has not been made to a person (details supplied) in County Galway; and if she will make a statement on the matter. [8678/06]

**Minister for Agriculture and Food (Mary Coughlan):** Following an inspection, an amended REPS plan was requested from the person named, and a penalty was applied for non-compliance. The amended plan has been received, and he has appealed the penalty. The amended

plan is being processed, and the appeal is being considered. Both will be completed within the next ten working days, and the person named will be notified of the outcome.

### Grant Payments.

192. **Mr. Connaughton** asked the Minister for Agriculture and Food the grants which are available for the relocation of livestock marts; if there are grants, either nationally or at EU level available to help fund the building of such projects; if there are grants available to help provide a pollution free environment; and if she will make a statement on the matter. [8680/06]

**Minister for Agriculture and Food (Mary Coughlan):** There is no grant aid currently available from my Department, either nationally or at EU level, for the relocation of livestock marts.

Under the National Development Plan 2000-2006, grant aid was available under my Department's capital investment scheme for the marketing and processing of certain agricultural products. Following general calls for applications in 2001 and 2004, which included the livestock marketing sector and targeted calls in the grain and horticulture sectors in 2005, there are no plans for further calls under the scheme.

As for livestock marts, under the scheme a total of €2.2 million has been allocated to ten projects geared towards improvement of facilities in the sector.

### Tuberculosis Incidence.

193. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of animals in each county which have been diagnosed with tuberculosis in the years 2002, 2003, 2004 and 2005; the number of these animals which were tuberculosis free when slaughtered in factory; and if she will make a statement on the matter. [8693/06]

**Minister for Agriculture and Food (Mary Coughlan):** The table below shows the number of tuberculosis reactors disclosed between 2002 and 2005. Ireland's bovine tuberculosis eradication programme comprises the comprehensive surveillance of all herds, which are tested annually, and additional risk-based testing in other herds, a proactive wildlife programme in the area of infective outbreaks, the routine application of gamma interferon assay in infected herds and full herd tests at six-monthly intervals post derestriction in respect of the latter herds for a two year period.

Cattle are tested on holdings using the approved single intradermal comparative tuberculin test. The test is highly reliable with a sensitivity of 90% and specificity of 99.9%. Cattle which react positively to the test must be deemed to be reactors for the purpose of the programme.

With regard to the number of reactors which are "tuberculosis free" at slaughter, the position



[Mary Coughlan.]

is that many animals exposed to and infected with bovine tuberculosis are slaughtered as reactor animals without confirmation of tuberculosis, for example, the detection of visible lesions. This is normal and to be expected in a situation where

the examination is done as part of a routine slaughter at commercial “kill” speeds and conditions and where tuberculin testing is conducted annually. In view of this, it is not possible to state the number of these animals which were tuberculosis free when slaughtered in the factory.

#### TB REACTORS

COUNTY	2002	2003	2004	2005
CARLOW	285	180	208	310
CAVAN	2302	1802	1,248	1,250
CLARE	1,228	1,182	984	1,266
CORK N/E	1,568	2,417	1,139	1,195
CORK CENTRAL	*	*	1,462	1,226
CORK S/W	2,413	2,194	1,467	1,951
DONEGAL	400	426	403	668
DUBLIN	116	144	74	71
GALWAY	1,916	1,977	1,752	2,022
KERRY	837	905	800	887
KILDARE	379	345	220	281
KILKENNY	1,100	1,148	1,075	1,179
LAOIS	452	569	451	530
LEITRIM	432	582	392	434
LIMERICK	737	1,050	713	958
LONGFORD	916	858	654	688
LOUTH	387	390	301	349
MAYO	897	663	612	529
MEATH	2,124	1,869	1,010	1,402
MONAGHAN	1,399	1,608	877	1,208
OFFALY	473	457	603	530
ROSCOMMON	1,585	1,097	875	885
SLIGO	623	377	428	466
TIPP NORTH	925	757	1,065	1,190
TIPP SOUTH	823	1,014	945	1,034
WATERFORD	1,542	1,126	896	1,140
WESTMEATH	1,181	1,176	1,024	979
WEXFORD	1,122	973	777	822
WICKLOW E	471	558	395	268
WICKLOW W	297	134	117	166
TOTALS	28,930	27,978	22,967	25,884

\*For administrative purposes Cork Central and South West are calculated together.

#### Grant Payments.

194. **Mr. Deenihan** asked the Minister for Agriculture and Food when a payment under the single payment scheme will issue to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [8707/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for the transfer of single payment entitlements by way of inheritance following the death of his uncle in June 2005. The person named has been requested to submit a copy of

the grant of probate. When the requested documentation is submitted my Department can issue the 2005 single payment to the estate of the deceased uncle, who was the applicant under the 2005 single payment scheme, and the inherited entitlements can be transferred to the person named.

#### Appointments to State Boards.

195. **Mr. Nolan** asked the Minister for Agriculture and Food the names of all board appointments made by her for the past five years; and if she will make a statement on the matter. [8724/06]

**Minister for Agriculture and Food (Mary Coughlan):** I understand the Deputy seeks details of appointments to State bodies under the aegis of my Department from 29 September 2004 to date. The information requested by the Deputy is outlined in the schedule beneath.

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Appointments to Bord Bia

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Mr. Philip Lynch  
 Mr. Joe Hyland  
 Mr. John Malone  
 Mr. Ray Carolan  
 Ms Angela Kennedy  
 Mr. Mel O'Rourke  
 Ms Marian Byrne  
 Mr. Pdraig Walshe  
 Mr. Michael Kilcoyne  
 Mr. Jackie Cahill

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Coillte

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Mr. Eugene Griffin.

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Irish National Stud

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Mr. Shane Broderick  
 Mr. John Osborne

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The Veterinary Council of Ireland

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Ms Barbara Bent  
 Mr. John O'Rourke  
 Mr. Seamus Quinn  
 Mr. Paddy Rogan  
 Mr. Donal Connolly  
 Mr. Thomas Hanley  
 Mr. Frank J. McRory  
 Ms Melanie O'Donoghue  
 Mr. Timothy F.O'Leary  
 Ms Meta Osborne  
 Mr. John A. Strumble  
 Mr. Patrick J. Talty  
 Ms Lindy Vaughan  
 Professor Boyd R. Jones  
 Dr. Finbar Mulligan  
 Dr. Clíodhna Foley-Nolan  
 Professor Grace Mulcahy  
 Ms Bríd O'Connor

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**Farm Retirement Scheme.**

196. **Mr. Kehoe** asked the Minister for Agriculture and Food her plans to change the guidelines regarding the early retirement scheme; if a

person would be able to go to the mart to sell animals on behalf of their son or do minimum farm yard duty; and if she will make a statement on the matter. [8756/06]

**Minister for Agriculture and Food (Mary Coughlan):** The EU regulations governing both the 1994 scheme of early retirement from farming and the early retirement, ERS2, 2000 scheme require scheme participants to cease commercial farming definitively. As work such as selling animals on behalf of a family member at a mart or carrying out work in the farm yard is considered part of normal farming activities, a retired farmer would be precluded from carrying out such work after his or her retirement.

This requirement must be adhered to and is central to the operation of the scheme, and it is not open to my Department to waive it. However, in a concession secured from the European Commission, farmers who have retired under one or other of the early retirement schemes are allowed to work as insured employees in farming-related businesses. Examples of such employment would include work for co-ops and private companies that provide services to farmers on a contract basis, such as relief milking, silage making, hedge cutting and other such activities.

**Grant Payments.**

197. **Mr. Walsh** asked the Minister for Agriculture and Food if she will sanction the revised farm waste management scheme of on-farm grants; and if she will make a statement on the matter. [8758/06]

**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. 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. I am confident that the required EU approval will be received very shortly.

**Private Security Authority.**

198. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if the private security authority will be requested to review the minimum fee of €1,250 for an intruder alarm installer

[Mr. Deasy.]

contractor licence; if his attention has been drawn to the fact that this minimum fee is based on an annual turnover of €625,000; his views on whether in the case of sole traders who are not exclusively engaged in installing intruder alarms, their annual relevant turnover is only a small fraction of the minimum figure; if his attention has further been drawn to the fact that there is also an administration fee of €1,000 for such a licence making a total fee of €2,250; his further views on whether this level of licence fees will force sole traders out of the security installation business; and if he will make a statement on the matter. [8620/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The private security authority licence fee structure reflects the variety between the different sectors of the industry and takes account of companies and employees who might be working in multiple sectors. Fees also take account of the relative size of companies operating in any given sector. Moreover, the authority is obliged to become self-financing so licence fees must reflect the overall operating costs of the authority.

The two-year licence fee was set taking into account the huge variety of cost models in the various sectors of the industry. These range from low turnover but high staffing levels in the guarding sector, to lower staffing levels but higher turnover in sectors such as electronics.

The private security industry itself supports regulation and has actively campaigned for it for many years. The provision of a regulatory environment for the industry will understandably lead to structured cost implications. However, it is the industry which will benefit from regulation and it is in line with Government policy that the industry should fund such a development.

This matter was examined by the board of the private security authority at its meeting of 21 November 2005, which re-affirmed its previous decision with regard to the fee structure and decided that this issue would be revisited by the board in the context of a review of licensing in two years' time.

#### **Prison Staff.**

199. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the qualifications for entry as a prison officer; if it is necessary to have the leaving certificate; and if exemptions can be made for mature personnel. [8623/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The education requirements for entry as a recruit prison officer provide that the

applicant is qualified at Irish leaving certificate level at specified grades in mathematics and at least two languages, one of which must be English or Irish, and in not less than two other subjects.

In the absence of these qualifications the merit grade in the applied leaving certificate or a qualification in another examination which is not of a lower standard than that of the Irish leaving certificate is acceptable. Such applicants must have the required standard in mathematics, two languages, one which must be English or Irish, and two other subjects.

There are no arrangements currently for exempting mature persons. These education qualifications are however under review in the light of accredited training developments at recruit prison officer level and due consideration will be given in that context to whether or not specific arrangements can be adopted in respect of mature persons at future recruit competitions.

#### **Registration of Title.**

200. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform when a dealing number will be registered in the name of a person (details supplied) in County Leitrim. [8651/06]

201. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if he will clarify the position with regard to Question No. 530 of 14 February 2006. [8652/06]

202. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform the position regarding Questions Nos. 531, 532, 533 and 534 of 14 February 2006 in the names of persons (details supplied) on the basis that promised action has not been taken. [8653/06]

203. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform the position regarding Question No. 535 of 14 February 2006 in the name of a person (details supplied) as the Land Registry office has not contacted this Deputy as promised. [8654/06]

204. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform the position regarding Question No. 536 of 14 February 2006 in the name of a person (details supplied) as the promised action has not been taken. [8655/06]

205. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform the position regarding Question No. 537 of 14 February 2006 in the name of a person (details supplied) as no correspondence has been received from the Land Registry office. [8656/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 200 to 205, inclusive, together.

I am informed that the Land Registry has written directly to the Deputy in respect of each of the cases referred to. It is also my understanding that the Deputy's original queries were in fact dealt with by the Land Registry but that the transmission of responses was unsuccessful due to an e-mail error. Any inconvenience experienced is regretted.

#### **Extradition Application.**

206. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if arrangements will be made for an application to the Dutch authorities for the extradition here of a person (details supplied) who is a main suspect in the murder of a person and who is currently serving a sentence on drugs charges in Amsterdam. [8688/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The initiation of an outgoing request for extradition is a matter for the Garda Síochána in consultation with the DPP and neither I as Minister nor my Department have any role in the procedure.

#### **Garda Investigations.**

207. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of expatriate Irish based in each EU state in a category (details supplied). [8689/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda Síochána is aware of the identities of a number of Irish citizens who currently reside outside this jurisdiction and are believed to be involved in criminal activity related to the drugs trade. The Deputy will appreciate that it is not possible for the Garda authorities to be absolute about numbers but I am satisfied that the Garda Síochána, through its ongoing liaison and contacts with law enforcement agencies in other EU member states, continues to target these individuals.

The persons in question choose to reside abroad for a variety of reasons, including ongoing Garda activities to counter criminal activity within the State. Although resident outside this jurisdiction, the Garda Síochána, in conjunction with other law enforcement agencies, continues to target the activities of these individuals both at home and abroad through the following methods: (i) conducting targeted operations against individuals and organisations operating within this jurisdiction with known links to international criminals, including Irish nationals based abroad;

(ii) exchanging strategic and operational intelligence with other law enforcement agencies, including Interpol and Europol, in accordance with legislation and operational protocols; and (iii) assisting EU law enforcement agencies conducting investigations of criminal activity with suspected involvement by Irish nationals by conducting inquiries in accordance with mutual legal assistance arrangements.

In order to facilitate the exchange of information and intelligence between EU law enforcement agencies the Garda Síochána has posted liaison officers in a number of locations in Europe, including the United Kingdom, the Netherlands, France and Spain, as well as at Interpol and Europol.

#### **Road Traffic Accidents.**

208. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Síochána who are obliged to attend the scene of a road traffic accident; if this is the same obligation for 999 calls and calls direct to the station; and if he will make a statement on the matter. [8706/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that road traffic collisions vary widely in nature and degree, and the number of personnel who attend and the action taken vary accordingly. The number of members of the Garda Síochána who attend at the scene of a traffic collision is dependant upon the prevailing circumstances and is not influenced by the manner in which notification of the collision is received.

The duties of Garda personnel at the scenes of collisions include: rendering assistance to injured persons, procuring medical and spiritual aid for them and arranging for their removal to hospital as appropriate; preserving the scene, that is, preventing interference with vehicles, debris, tracks, marks, etc., until properly noted or, if deemed appropriate, until the scene has been technically examined; reducing any obstruction to traffic as soon as possible or, when necessary, arranging for the temporary diversion of traffic; and noting and collecting all available evidence at the scene.

#### **Appointments to State Boards.**

209. **Mr. Nolan** asked the Minister for Justice, Equality and Law Reform the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8725/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The following tabular statement details all board appointments made by me since taking up office in June 2002.

[Mr. McDowell.]

Name of Person/Appointment Made	Date of Appointment
<i>Censorship of Publications Appeals Board</i>	
Ms Paula Mullooly — Chairperson	24 March, 2004
Ms Mary Banotti, MEP	24 March, 2004
Mr. David Quinn	24 March, 2004
Mr. David Goldberg, SC	24 March, 2004
Ms Clare Martin	24 March, 2004
<i>Censorship of Publications Board</i>	
Ms Doirbhile Flanagan SC — Chairperson	17 February, 2003
Ms Noreen Kennedy	17 February, 2003
<i>Criminal Injuries Compensation Tribunal</i>	
Ms Carol Fawsitt — Solicitor -Chairperson	21 July, 2004
Ms Olive Brennan, BL	21 July, 2004
Mr. Maurice Dockrell, BL	21 July, 2004
Mr. Conor Bowman, BL	21 July, 2004
Ms Sinead Behan, Solicitor	21 July, 2004
Mr. Con Murphy, Solicitor	21 July, 2004
Mr. Patrick F. O'Connor, Solicitor	21 July, 2004
Mr. David Hickey	4 May, 2004
<i>Censorship of Films Appeal Board</i>	
Mr. Paul O'Higgins SC — Chairperson	5 December, 2002
Ms Ann Walsh	5 December, 2002
Ms Ann Mooney	5 December, 2002
Mr. Kevin Myers	5 December, 2002
Mr. Dave Tyndall	5 December, 2002
Ms Cathy Herbert	5 December, 2002
Ms Sara Moorhead	5 December, 2002
Fr. Damien McNiece	5 December, 2002
Rev. David Pierpoint	5 December, 2002
Ms Nicola Byrne	22 November 2004
<i>National Disability Authority</i>	
Ms Angela Kerins — Chairperson	21 June, 2004 (reappointed 29 July, 2005)
Mr. Aidan Browne	29 July, 2005 (reappointed 29 July, 2005)
Ms Betty O'Leary, BL	21 June, 2004 (reappointed 29 July, 2005)
Mr. Brendan Ingoldsby	21 June, 2004 (reappointed 29 July, 2005)
Mr. Christy Lynch	21 June, 2004 (reappointed 29 July, 2005)
Mr. Diarmuid Ring	21 June, 2004 (reappointed 29 July, 2005)
Mr. Donie O'Shea	18 October, 2005 (reappointed 18 October, 2005)
Mr. Gene Lambert	21 June, 2004 (reappointed 29 July, 2005)
Ms Helen Caesar	21 June, 2004
Mr. Jack Callanan	29 July, 2005
Mr. James Martin	21 October 2004 (reappointed 29 July, 2005)
Mr. Jim Casey	21 June, 2004
Mr. John Dolan	21 June, 2004 (reappointed 29 July, 2005)
Mr. John Finnerty	21 June, 2004
Mr. John O'Gorman	21 June, 2004
Ms Lottie McClure	21 June, 2004 (reappointed 29 July, 2005)
Ms Maisie Dooley	21 June, 2004
Ms Maria Cronin	29 July, 2005
Mr. Matt Connor	21 June, 2004
Mr. Muiris O'Donoghue	21 June, 2004

Name of Person/Appointment Made	Date of Appointment
Ms Noreen Gidlea	21 June, 2004 (reappointed 29 July, 2005)
Ms Paula Carey	21 June, 2004 (reappointed 29 July, 2005)
Mr. Robert Grier	21 June, 2004
Ms Sadie Tierney	10 June, 2002 (reappointed 29 July, 2005)
Ms Landford	21 June, 2004
<i>Equality Authority</i>	
Ms Karen Erwin — Chairperson	24 June, 2003
Mr. Leonard Hurley — Vice Chair	24 June, 2003
Mr. Tony Donoghue	24 June, 2003
Ms Marie Moynihan	24 June, 2003
Mr. Paddy Keating	24 June, 2003
Ms Carol Fawsitt	24 June, 2003
Ms Mary Keogh	24 June, 2003
Mr. Thomas McCann	24 June, 2003
Mr. Bob Quinn	24 June, 2003
Ms Sally Ann Kিনিhan	4 October, 2004
<i>Private Security Authority</i>	
Ms Michelle Doyle — Chairperson	19 October, 2004
Ms Mary Barrett	19 October, 2004
Mr. Bill Brown	19 October, 2004
Ms Catherine Byrne	19 October, 2004
Assistant Garda Commissioner Pat Crummey	19 October, 2004
Mr. Ray Guinan	19 October, 2004
Ms Margaret Lovatt	19 October, 2004
Mr. Kevin McMahan	19 October, 2004
Mr. Liam O'Dubin	19 October, 2004
Ms Esther Lynch	8 January, 2005
<i>Courts Service</i>	
Mr. Michael Mellett	9 November, 2002
Ms Olive Braiden	9 November, 2002
Mr. Gerry McCaughey	9 November, 2002
Mr. Caoimhin Ó hUiginn	January, 2004
Mr. James Martin	April, 2005 (reappointed 9 November, 2005)
Ms Olive Braiden	9 November, 2002
Mr. Gerry McCaughey	9 November, 2002
<i>Judicial Appointments Advisory Board</i>	
Ms Olive Braiden	8 March, 2005
Mr. John Coyle	8 March, 2005
Mr. Tadhg O'Donoghue	8 March, 2005
<i>Commission for the Support of Victims of Crime</i>	
Mr. Jim McHugh (Chair)	8 March, 2005
Ms Marian Finucane	8 March, 2005
Ms Nora Owen	8 March, 2005
Mr. Sean Lowry	8 March, 2005
Mr. Michael Whealan	8 March, 2005
<i>Internet Advisory Board</i>	
Ms Audrey Conlon — Chair	September, 2003
Mr. Paul Durrant	January, 2003
Mr. Cormac Callanan	May, 2004
Mr. Philip Watt	February, 2004

## [Mr. McDowell.]

Name of Person/Appointment Made	Date of Appointment
<i>Refugee Appeals Tribunal</i>	
Ms Olive Brennan BL	30 April, 2003 (reappointed 23 January, 2004)
Mr. Eamonn Cahill, SC	20 November, 2003
Mr. Aiden Eames, Solicitor	20 November, 2003
Mr. Eamonn Barnes, BL	20 November, 2003
Mr. Jim Nicholson, BL	20 November, 2003
Mr. Donal Egan, BL	20 November, 2003
Mr. Patrick Hurley, Solicitor	20 November, 2003
Mr. Des Zaidan, BL	20 November, 2003
Mr. Bernadette Cronin, SC	20 November, 2003
Mr. Michael O'Kennedy, SC	20 November, 2003
Mr. Bernard MacCabe, BL	12 January, 2004
Ms Mary Laverty, SC	12 January, 2004
Mr. David McHugh, BL	12 January, 2004
Mr. Ricardo Dourado, BL	12 January, 2004
Ms Elizabeth O'Brien BL	12 January, 2004
Ms Susan Nolan, Solicitor	8 March, 2004
Samantha Cruess Callaghan BL	10 March, 2004
Margaret Levey, BL	10 June, 2004
Ms Michelle O'Gorman, BL	17 July, 2004
Mr. Rory MacCabe, SC	31 July, 2004
Mr. David Andrews, SC	3 August, 2004
Mr. Ben Garvey, BL	26 September, 2004
Mr. Declan McHugh, BL	10 October, 2004
Ms Judy Blake, BL	20 December 2004
Mr. Sean Deegan, BL	20 December, 2004
Mr. Noel Whelan, BL	20 December, 2004
Mr. Joseph Barnes, BL	17 January, 2005
Mr. David Goldberg, SC	20 January, 2005
Mr. Paul McGarry, BL	21 January, 2005
Mr. Bruce St. John Blake, Solicitor	22 February, 2005
Mr. Denis Linehan, Solicitor	4 March, 2005
Ms Ann Tait, Solicitor	12 March, 2005
Mr. John Hayes, Solicitor	12 March, 2005
<i>Arbour Hill Prison Visiting Committee</i>	
Mr. John Murphy	20 September, 2002
Ms Eithne Killeen	20 September, 2002
Mr. Seamus Quinn	1 October, 2002
Ms Rita Hayes	1 October, 2002
Mr. Jim Hanrahan	17 February, 2003
Ms Ita Greene	17 February, 2003
Mr. Paddy Culloty	20 September, 2005
Ms Wilheimina Daly	20 September, 2005
Mr. Eamon Walsh	20 September, 2005
Ms Eithne Killeen	20 September, 2005
Ms Angela O'Connor	20 September, 2005
Ms Rita Hayes	1 October, 2005
Ms Máirín Hyland	24 October, 2005
Mr. Brian O'Reilly	24 October, 2005
<i>Castlerea Prison Visiting Committee</i>	
Ms Mary Devine O'Callaghan	20 Septmeber, 2002
Ms Nuala Carroll	17 February, 2003

Name of Person/Appointment Made	Date of Appointment
Mr. Ken Glynn	17 February, 2003
Ms Susan Meagher	17 February, 2003
Mr. Christy Gorman	17 February, 2003
Mr. Michael Nevin	17 February, 2003
Mr. Paul Hogan	17 February, 2003
Mr. Eddie Brady	26 March, 2003
Ms Geraldine Lambert	3 July, 2003
Ms Mary Hoade	9 November, 2004
Ms Eileen Morrris	17 December, 2004
Ms Marie Cleary	17 December, 2004
Mr. Michael Geraghty	17 December, 2004
Mr. Luie McEntire	4 May, 2005
Mr. Paddy Greaney	5 June, 2005
<i>Cloverhill Prison Visiting Committee</i>	
Ms Peggy Downey	7 December, 2003
Mr. Fintan Hudson	7 December, 2003
Mr. Eddie Martin	7 December, 2003
Mr. Dermot Flynn	7 December, 2003
Ms Christine Ryan	7 December, 2003
Mr. Michael Coyle	7 December, 2003
Mr. David Delaney	11 March, 2005
Mr. Tony Williams	7 October, 2005
Mr. Gerry O'Dea	7 October, 2005
Mr. Fergus O'Tuama	7 October, 2005
<i>Cork Prison Visiting Committee</i>	
Ms Sadie Jordan	20 September, 2002
Ms Colette Carter	20 September, 2002
Mr. Jack Roche	20 September, 2002
Mr. Eddie Creighton	1 October, 2002
Ms Anne Butler	1 October, 2002
Mr. Ray O'Mahony	1 October, 2002
Mr. Donal O'Shea	16 October, 2002
Mr. Terry Kelly	17 February, 2003
Ms Cáit Ní Fhaoláin	18 December, 2003
Mr. Thomas J. Lynch	18 December, 2003
Ms Eileen Curran	18 December, 2003
Mr. Oliver Cleary	6 December, 2004
Mr. Michael Burns	20 September, 2005
Mr. John Murphy	20 September, 2005
Mr. Jimmy Collins	20 September, 2005
Mr. Pat McCarthy	1 October, 2005
Mr. Eddie Creighton	1 October, 2005
Ms Anne Butler	1 October, 2005
Mr. Donal O'Shea	16 October, 2005
Mr. Ray O'Mahony	24 October, 2005
<i>Curragh Place of Detention Visiting Committee</i>	
Mr. Gerry Mahon	17 February, 2003
Mr. Paddy Cullotty	17 February, 2003
Ms Evelyn Varley	17 February, 2003
Ms Clare Murphy	17 February, 2003
Ms Mary Ryan	17 February, 2003
Ms Máirín Hyland	17 February, 2003



[Mr. McDowell.]

Name of Person/Appointment Made	Date of Appointment
Mr. Michael Hanrahan	17 February, 2003
Ms Wilhelmena Daly	17 February, 2003
Mr. Brian O'Reilly	26 March, 2003
<i>Fort Mitchel Place of Detention Visiting Committee</i>	
Mr. John Hodnett	20 September, 2002
Ms Angela O'Connor	20 September, 2002
Ms Elizabeth O'Beirne	20 September, 2002
Mr. Eamon Rafter	20 September, 2002
Mr. Kevin O'Neill	20 September, 2002
Ms Elizabeth Leahy	1 October, 2002
Mr. Dan Collins	12 November, 2002
Ms Margaret Coady	17 February, 2003
<i>Limerick Prison Visiting Committee</i>	
Mr. Ger Connolly	20 September, 2002
Ms Collette Scanlon	20 September, 2002
Mr. Tom O'Keeffe	20 September, 2002
Mr. Robert Mulcahy	20 September, 2002
Ms Ann O'Keeffe	20 September, 2002
Ms Eileen O'Brien	2 October, 2002
Ms Noirin Mitchell	2 October, 2002
Ms Teresa Lynch	15 October, 2002
Mr. Pat Driscoll	15 November, 2004
Mr. Michael O'Shea	15 November, 2004
Mr. James Lynch	2 December, 2004
Mr. Tom Harrington	24 February, 2005
Mr. Tony Lane	11 March, 2005
Mr. John Flynn	20 September, 2005
Mr. Michael Hctor	20 September, 2005
Mr. Seamus Quinn	1 October, 2005
Mr. Liam Sadlier	2 October, 2005
Ms Eileen O'Brien	2 October, 2005
Ms Nóirín Mitchell	2 October, 2005
Ms Teresa Lynch	15 October, 2005
Mr. Eddie Creighton	21 October, 2005
Mr. John Hodnett	24 October, 2005
<i>Loughan House Place of Detention Visiting Committee</i>	
Mr. Eddie Feeley	31 October, 2002
Mr. Clifford Kelly	31 October, 2002
Ms Kathleen Richie	31 October, 2002
Mr. Niall McCole	31 October, 2002
Ms Alice Boner	31 October, 2002
Mr. Brendan Hughes	31 October, 2002
Mr. Martin Doonan	31 October, 2002
Ms Mary Kathleen Johnston	12 November, 2002
Mr. Eugene Delaney	20 December, 2004
Ms Rita Delahunty	20 December, 2004
Ms Sirena Campbell	7 October, 2005
Mr. Phil Cantwell	31 October, 2005
Mr. Eddie Feeley	31 October, 2005
Mr. Clifford Kelly	31 October, 2005
Ms Kathleen Richie	31 October, 2005
Mr. Niall McCole	31 October, 2005

Name of Person/Appointment Made	Date of Appointment
Ms Alice Bonner	31 October, 2005
Mr. Brendan Hughes	31 October, 2005
Mr. Declan Connolly	10 November, 2005
<i>Midlands Prison Visiting Committee</i>	
Mr. Colm Wiley	9 April, 2004
Ms Teresa Mulhare	9 April, 2004
Ms Jennifer Murnane O'Connor	9 April, 2004
Mr. Patrick Boland	9 April, 2004
Ms Nuala Halpin	9 April, 2004
Ms Brigid Teefy	19 April, 2004
Ms Jody Gunning	15 November, 2004
Mr. John Sheehy	6 January, 2005
Mr. Jim Casey	6 January, 2005
Ms Colette Fennelly	11 March, 2005
Mr. Jack Bourke	22 June, 2005
Mr. Michael McKeever	24 October, 2005
<i>Mountjoy Prison Visiting Committee</i>	
Mr. Pierce Wyse	2 October, 2002
Mr. Desmond Gibney	2 October, 2002
Ms Betty Minihane	2 October, 2002
Ms Carmel Bolger	12 November, 2002
Ms Bernie Nolan	4 April, 2004
Mr. Paddie Conellan	4 April, 2004
Mr. Liam Hogan	6 January, 2005
Mr. Stephen Langton	6 January, 2005
Ms Nicola Byrne	24 February, 2005
Mr. Noel Cloak	20 September, 2005
Ms Betty Minihane	2 October, 2005
Mr. Desmond Gibney	2 October, 2005
Mr. Niall Tempany	7 October, 2005
Mr. Eoin Hardiman	7 October, 2005
Ms Carmel Bolger	12 November, 2005
<i>Portlaoise Prison Visiting Committee</i>	
Ms Catherine Quinn	30 August, 2002
HHJ Gray	20 September, 2002
Ms Mary Wheatley	20 September, 2002
Ms Catherine Rochford	2 October, 2002
Mr. Tom Colgan	18 December, 2003
Michael Hough	18 December, 2003
Ms Elis Croke	3 March, 2004
Ms Ann Turley	3 March, 2004
Mr. Walter Lacey	20 December, 2004
Mr. Eithne Reddy	6 January, 2005
<i>Shelton Abbey Place of Detention Visiting Committee</i>	
Mr. Kevin Fitzgerald	13 August, 2002
Mr. Pat Doran	13 August, 2002
Ms Oonagh Doyle	13 August, 2002
Mr. Pt Fitzgerald	13 August, 2002
Ms Colette Douglas	9 September, 2002
Mr. Hugh O'Keefe	31 October, 2002
Mr. P.J. Sheridan	31 October, 2002
Mr. John Byrne	31 October, 2002

[Mr. McDowell.]

Name of Person/Appointment Made	Date of Appointment
Mr. Peadar Clohessy	31 October, 2002
Ms Kathleen Maher	31 October, 2002
Mr. John Murphy	17 February, 2003
Ms Colette Douglas	9 September, 2005
Mr. Michael Hanrahan	20 September, 2005
Ms Colette Garvey	31 October, 2005
Mr. Sean Quirke	31 October, 2005
Mr. Hugh O'Keeffe	31 October, 2005
Mr. P.J. Sheridan	31 October, 2005
Mr. John Byrne	31 October, 2005
Mr. Kathleen Maher	31 October, 2005
Mr. Pat Fitzgerald	10 November, 2005
Ms Oonagh Doyle	20 December, 2005
<i>St. Patrick's Institution Visiting Committee</i>	
Ms Mary Murphy	20 September, 2002
Mr. Hugh Lynn	20 September, 2002
Mr. Noel Cloak	20 September, 2002
Mr. Michael Burns	20 September, 2002
Mr. Anthony Gavin	17 December, 2004
Mr. Michael Billane	5 June, 2005
Mr. Gerry Gaughan	20 September, 2005
Mr. Victor Boyhan	20 September, 2005
Mr. Cormac Bohan	20 September, 2005
Mr. John Bielenberg	20 September, 2005
Ms Catherine Quinn	20 September, 2005
Ms Paula McCormack	7 October, 2005
Mr. Dick O'Leary	7 October, 2005
Mr. Denis Murphy	7 October, 2005
<i>Training Unit Place of Detention Visiting Committee</i>	
Ms Tras Honan	20 September, 2002
Ms Kathleen Diamond	31 October, 2002
Mr. Noel Coade	31 October, 2002
Ms Deirdre Kenneally	31 October, 2002
Ms Geraldine Foster	31 October, 2002
Ms Mary Kelly	31 October, 2002
Ms Patsy Geraghty	12 November, 2002
Mr. Donal Doran	20 September, 2005
Mr. Paul McAuliffe	7 October, 2005
Ms Tras Honan	7 October, 2005
Ms Kathleen Diamond	31 October, 2005
Mr. Noel Coade	31 October, 2005
Ms Deirdre Kenneally	31 October, 2005
Ms Geraldine Foster	31 October, 2005
Mr. Christopher Faulkner	29 November, 2005
<i>Wheatfield Visiting Committee</i>	
Mr. John O'Neill	8 November, 2004
Mr. Stephen O'Neill	8 November, 2004
Mr. Gerry Hannon	17 December, 2004
Ms Elva MacKay	17 December, 2004
Ms Teresa Clarke	17 December, 2004
Mr. Jeffrey Ahern	24 February, 2005
Mr. Thomas Lillis	20 September, 2005

Name of Person/Appointment Made	Date of Appointment
Ms Sadie Jordan	20 September, 2005
Ms Colette Carter	7 October, 2005
<i>Interim Parole Board</i>	
Mr Martin Tansey	1 July, 2002
Mr. Sean Lowry	1 July, 2002
Mr. Martin Tansey	1 July, 2004
Ms Daisy O'Reilly	1 July, 2004
Mr. Frank McCarthy	1 July, 2004
Mr. Tim O'Donoghue	1 July, 2004
Ms Lillian McGovern	1 July, 2004
Ms Anne O'Gorman	1 July, 2004
Mr. Sean Lowry	1 July, 2004
Mr. Brian Purcell	1 July, 2004
Mr. John Kilcommns	9 March, 2005
Ms Mary Burke	1 September, 2005
Mr. Michael Donnellan	12 September, 2005
<i>Prisons Authority Interim Board</i>	
Mr. James Martin	31 May, 2004
Mr. Jim Hanrahan	1 May, 2005
<i>National Crime Council</i>	
Mr. Padraic White	July, 2005
Deputy Commissioner Peter Fitzgerald	July, 2005
Judge Michael Reilly	July, 2005
Mr. Fergus McCabe	July, 2005
Ms Lillian McGovern	July, 2003
Mr. Jack Marrinan	July, 2005
Mr. Rosemary Tierney	July, 2005
Ms Mary Ellen Ring	July, 2003
Professor Dermot Walsh	July, 2003
Mr. Ken O'Leary	July, 2005
Ms Deirdre Kenneally	July, 2005
Dr. Dorothy Watson	July, 2005
Ms Margaret O'Doherty	July, 2005
Ms Graine McMorrow	July, 2005
Mr. Sean Lowry	July, 2005
Mr. Philip Maguire	July, 2005
Rev. Gerard Godley	July, 2003
Mr. Sean Hegarty	July, 2003
Mr. Tom Coffey	July, 2005
Mr. John Kenny	July, 2005
Mr. Neilus Moriarty	June, 2002
<i>Legal Aid Board</i>	
Ms Anne Colley — Chair	19 September, 2003
Mr. Caoimhín Ó hUiginn	12 October, 2003
Ms Clare Pilkington	12 September, 2002
Ms Nóirín Slattery	30 October, 2002
Mr. Frank Goodman	30 October, 2002
Mr. David Barniville, BL	19 September, 2003

(Please note that in respect of some of the above boards, where the name of a board member appears more than once, the second reference is to their reappointment.)

### **Garda Reserve.**

210. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the way in which members of the new Garda Reserve force will be compensated in the event of loss of wages from their civilian employment due to injuries received in the course of carrying out duties as members of the Garda Reserve force; and if he will make a statement on the matter. [8745/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** 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.

I have just recently 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 and other issues including compensation. 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 to consult with the Commissioner on them, as required. Following examination of the Commissioner's proposals, I will be drawing up the necessary regulations for the approval of Government under the Act and, as part of that process, there will be consultations 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 over €83.5 million for overtime, an increase of €23 million on last year's allocation, which will yield over 2.7 million hours of Garda overtime for front-line 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 will reinforce its links with local communities. At a time when gardaí increasingly do not live in the areas that 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 support of the public. I have undertaken to consult constructively with the Garda representative associations on the proposals, and I will be asking them, for their part, to undertake to respect the clear will of the Oireachtas in this matter and to engage positively in those consultations.

### **Road Traffic Accidents.**

211. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform when the Garda Síochána road accident report form was last updated; the reason no regular statistics are provided on the collision data of provisional licence holders when this is supposed to be recorded in the report; and if he will make a statement on the matter. [8746/06]

212. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if he will ensure that the Garda Síochána road accident report form is updated as soon as possible in order that information (details supplied) can be recorded; and if he will make a statement on the matter. [8747/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 211 and 212 together.

The gardaí supply details of road accidents on Form C(T) 68 to the National Roads Authority. The authority prepares and publishes a detailed report on road accidents entitled Road Collision Facts. The most recent report relates to 2004 and is available in the Library and on the NRA website.

Excluding the changeover to the PULSE system, which changed the method of collection of data, the last change to the form occurred in 1995. The National Roads Authority may propose changes to the accident report form, in consultation with the Garda Síochána, should it feel that further data should be captured on the form.

### **Citizenship Applications.**

213. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for post nuptial naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [8775/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 12 July 2005. His application was examined shortly after receipt and it was determined that he did not have the required reckonable residency and was, therefore, ineligible for naturalisation. The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non-national applicant who is the spouse of an Irish citizen those conditions are that the applicant must be of full age; be of good character; be married to the Irish citizen for at least three years; be in a marriage recognised

under the laws of the State as subsisting; be living together as husband and wife with the Irish spouse; have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years; intend in good faith to continue to reside in the island of Ireland after naturalisation; and have made, 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. The individual concerned and his wife were married on 5 March 2004. The earliest he is eligible to apply for naturalisation is 5 March 2007, provided he has been resident in the island of Ireland continuously during that three-year period.

214. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he is likely to again accept an application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [8776/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On the basis that the reference number included in the details accompanying the question is a naturalisation application reference number, I have assumed the Deputy is seeking clarification regarding an application for naturalisation by the person concerned. An application for a certificate of naturalisation from the person concerned was received in the citizenship section of my Department on 11 June 2004. This application was examined in February 2006 and it was determined that the individual concerned did not have appropriate reckonable residency for the purposes of naturalisation. He arrived in the State in October 1999 and obtained permission to remain for study purposes from the time of his arrival until September 2001 and for periods between March 2003 and May 2004. Time spent in the State for the purposes of study cannot be reckoned for naturalisation purposes and, consequently, at the time of his application in June 2004, the person concerned had a total of 16 months reckonable residence, well short of the necessary five years. He was informed he did not meet the statutory residency criteria by letter on 22 February last. The person concerned is still residing in the State for the purposes of study and his current permission expires on 30 September 2006. It is unlikely, therefore, that he will be eligible for naturalisation in the near future.

215. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has studied the medical evidence and other information provided in the course of the raising of the matter on the adjournment of Dáil Éireann in the case of a per-

son (details supplied) in County Dublin with particular reference to the medical evidence to the effect that it was and is unsafe to move this patient from hospital at the present time; if his attention has been drawn to the fact that the person in question cannot be expected to present at a Garda station; and if he will make a statement on the matter. [8777/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my replies to Questions Nos. 149, 181 and 249 on Thursday, 26 January 2006, Thursday, 9 February 2006 and Thursday, 16 February 2006, respectively, and the adjournment debate on Thursday, 23 February 2006, regarding this case. I reiterate that I am not disputing this person's medical reports presented by her legal representative, the Refugee Legal Service, but medical reasons alone are not criteria under the Dublin II regulation for processing her asylum claim in Ireland. As I stated in my previous replies, this person's transfer will be dealt with in a sympathetic and humane way when she is discharged from hospital. Her medical needs will be fully taken account of in arranging the transfer. In this regard, I have requested her legal representative to keep the Garda national immigration bureau informed of her up-to-date medical condition and whereabouts for the purpose of arranging the transfer. If necessary, medical escorts to accompany her on the flight will be provided. The Belgian authorities will also be notified in advance of her condition so that suitable reception arrangements can be made for her.

216. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residential status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [8778/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question made an application for permission to remain in Ireland on the basis of being the parent of an Irish-born child, born before 1 January 2005, under the revised arrangements I announced on 15 January 2005. This application was submitted in March 2005. The application is being processed and I will notify the Deputy as soon as the outcome is known.

217. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residential status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [8779/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned claimed asylum in the State on 29 October 2002 and had his claim examined by the Offices of the Refugee

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Applications Commissioner and the Refugee Appeals Tribunal, following which it was recommended that he should be recognised as a refugee. Based on this recommendation, the person concerned was advised of my decision to issue him with a formal declaration of refugee status by letter dated 29 April 2004. This communication also advised the person concerned of the rights and entitlements accompanying refugee status in the State. The person concerned continues to hold the status of refugee in the State.

218. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residential status in the case of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [8780/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The persons in question applied for permission to remain in Ireland on the basis of being the parents of an Irish-born child, born before 1 January 2005, in accordance with the revised arrangements I announced on 15 January 2005. One of the requirements for permission to remain in the State under the revised arrangements, is that the parents must have been continuously resident in the State since the date of birth of their Irish born child. The child in question was born on 10 March 2004, but neither of the parents has submitted evidence of continuous residence from that time until the date they submitted their applications in March 2005. Accordingly, their applications did not meet the requirements of the revised arrangements and were refused.

#### Asylum Applications.

219. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [8781/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned arrived in the State on 14 April 1998 and applied for asylum. His application was refused following consideration of his case by asylum division of my Department and, on appeal, by the appeals authority. Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 17 August 2000 that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a

deportation order. Representations setting out reasons he should not be deported were subsequently received. I expect the case file in this matter to be submitted to me shortly for decision. This decision will be taken having regard to considerations specified in section 3(6) of the Immigration Act 1999, as amended. These considerations include matters relating to the common good, the person's family and domestic circumstances, as well as humanitarian considerations. Consideration will also be given to the prohibition of *refoulement* which is contained in section 5 of the Refugee Act 1996, as amended.

#### Citizenship Applications.

220. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [8782/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 1 February 2006. The average processing time for an application for naturalisation is 24 months. However, the person referred to by the Deputy is a minor. Due to the fact that such applications are more straightforward than standard adult applications, it is usually possible to finalise them in a shorter period. Based on current processing trends, it is likely that the application on behalf of the person concerned will be finalised in or around the end of this year. I will be in touch with the Deputy and the applicant when I have reached a decision in the matter.

221. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in the case of persons (details supplied); and if he will make a statement on the matter. [8783/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am advised by officials in the citizenship section of my Department that there is no record of applications for certificates of naturalisation having been received from or on behalf of the persons referred to by the Deputy. An application on behalf of a third member of the family referred to by the Deputy was received in citizenship section on 1 February last. My officials have been informed by a member of staff in the Deputy's office that applications on behalf of the two persons concerned were sent from the Deputy's office to my Department a few days after that of the third family member, but it appears that these did not reach citizenship

section. I have asked my officials to send further applications forms to the Deputy's office and when these are appropriately completed, they should be forwarded directly to the Citizenship Section, Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2.

#### State Examinations.

222. **Mr. Kenny** asked the Minister for Education and Science when the SCG examination in Irish will take place in 2006; the centre in which the examination will take place; the funding allocated by her Department for SCG courses for each of the past three years to enable teachers to participate and qualify; and if she will make a statement on the matter. [8612/06]

**Minister for Education and Science (Ms Hanafin):** Coláiste Mhuire, Marino is responsible for holding the SCG examination in 2006. The examination will be held in a number of centres throughout the country in the week beginning 17 April. Full details are available from Coláiste Mhuire.

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, are providing preparation courses for the SCG examination at a reasonable cost that has been set by my Department. These courses are based upon a training programme, also funded by my Department, which was developed by the Irish Department in Coláiste Mhuire Marino.

The expenditure by education centres on SCG courses for the past three years was of the order of €68,500 in 2003, €82,700 in 2004 and €67,500 in 2005.

Since 2005, a small standardised fee applies for teachers who follow SCG courses in the education centres, which supplements the Department's grant.

#### Schools Building Projects.

223. **Ms O. Mitchell** asked the Minister for Education and Science the reason there is no funding available for the building of drama or performing arts facilities in secondary schools. [8641/06]

**Minister for Education and Science (Ms Hanafin):** My Department's planning guidelines for new post-primary school buildings allows for the provision of an 80m<sup>2</sup> music-drama room for schools that offer music as a subject on the school curriculum. The guidelines also allow for the provision of fixed and loose furniture and demountable staging. In addition, my Department provides grant aid for the purchase of music instruments and equipment.

Where an application is made for major capital improvement works by the management authorities of an existing school, it is the policy of my Department to assess the overall future accommodation needs of the school for inclusion in the accommodation brief.

#### School Insurance.

224. **Ms O. Mitchell** asked the Minister for Education and Science the average annual cost of insurance incurred by both primary and secondary schools in the Dublin 2, 4, 6 and 8 area; if she will provide a breakdown of these costs on a school basis; and the details of assistance provided by her Department in meeting such costs. [8642/06]

225. **Ms O. Mitchell** asked the Minister for Education and Science the average waiting period for admission to each of the primary and secondary schools in Dublin 2, 4, 6 and 8. [8643/06]

226. **Ms O. Mitchell** asked the Minister for Education and Science the percentage of children attending each of the primary and secondary schools in Dublin 2, 4, 6 and 8 who were born outside the State. [8644/06]

227. **Ms O. Mitchell** asked the Minister for Education and Science the percentage of children attending each of the primary and secondary schools in Dublin 2, 4, 6 and 8 who do not have English as their first language. [8645/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 224 to 227, inclusive, together.

I am not aware of the cost of insurance incurred by individual primary and secondary schools as it is a matter for the managerial authorities of the individual schools to arrange insurance cover on school property and against public liability.

Funding is provided to primary and secondary schools by way of *per capita* grants, which afford schools considerable flexibility in the use of these resources to cater for the needs of their pupils.

There have been significant improvements in the level of funding provided to primary and post-primary schools. Since 1997 the standard rate of capitation grant at primary level has been increased from €57.14 per pupil to €133.58 with effect from 1 January 2005 and has recently been further increased by €12 per pupil with effect from 1 January 2006, bringing the standard rate to €145.58. This represents an increase of almost 155% in the standard rate of capitation grant at primary level since 1997.

At second level, the standard *per capita* grant, which stood at €256 per pupil in the school year



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2001-02, has been increased by a further €12 to €298 per pupil from January 2006. Under the school services support fund initiative, secondary schools will also benefit from the further significant increases. The grant that was increased for secondary schools from €131 per pupil in January 2005 to €145 per pupil, has been increased by a further €14 per pupil to €159 per pupil from January 2006. These grants are in addition to the *per capita* funding of up to €40,000 per school that is provided by my Department to secondary schools towards secretarial and caretaking services. A secondary school with 500 pupils now receives annual grants of up to €270,000 towards general expenses and support services as against annual grants of up to €237,000 in 2002.

These significant increases in the funding of primary and post primary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

The information requested by the Deputy in relation to the average waiting period for admission and children born outside the State and children who do not have English as their first language is not available as schools are not required to return this information to my Department.

#### Teaching Qualifications.

228. **Mr. Kehoe** asked the Minister for Education and Science the reason a person (details supplied) in County Carlow has not had their English university qualifications recognised for teaching purposes here; and if she will make a statement on the matter. [8646/06]

**Minister for Education and Science (Ms Hanafin):** The person concerned applied to the registration council on 18 January 2006 to have his qualifications assessed to determine their suitability for the purposes of teaching at post-primary level. The council is in the process of carrying out this assessment at present and the applicant will be notified of its decision on the matter in due course.

#### School Staffing.

229. **Mr. McCormack** asked the Minister for Education and Science when the staffing schedules for primary schools will be announced in 2006; if the points figure for 2006 will be reduced when the staffing schedules are announced in view of her desire to reduce class sizes; and if she will make a statement on the matter. [8647/06]

**Minister for Education and Science (Ms Hanafin):** Major improvements in school staffing have been made in recent years with the hiring of more than 5,000 additional primary teachers. This

represents the largest increase in teacher numbers since the expansion of free education. Today there is one teacher for every 17 children, the lowest pupil teacher ratio in the history of the State.

Aside from decreasing average class size, the unprecedented increase in school staffing in recent years has also greatly improved the services provided for children with special needs and those from disadvantaged areas. Under the action plan for tackling disadvantage published in 2005, there will be a reduction in class sizes to 24:1 at senior level and 20:1 at junior level in 150 primary schools serving communities with the highest concentrations of disadvantage. With more than 600 extra resource teachers put in place in this school year, children with special needs are getting more support than ever before. It should be acknowledged how much progress has been made in this area in recent years.

Recently I announced that I have secured sufficient funding to provide even smaller classes in our primary schools in the next school year, and the Minister for Finance has committed to a further reduction in class size in the following year. Accordingly, over the next two years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle disadvantage.

The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued annually to all primary schools. The general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Of course, schools with only one or two teachers have much lower staffing ratios than that, with two teachers for just 12 pupils in some cases and so on. The general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this will be reduced to 28 children per classroom teacher and in 2007-08 it will be reduced to 27 children per classroom teacher. The circular outlining the revised staffing schedule is being finalised. It is expected that the circular will be published on my Department's website this week. Hard copies of the circular will be printed and issued to all primary schools as soon as possible thereafter.

Schools will be asked to use the extra class teachers provided as a result of the revised schedule to provide for smaller classes in the junior grades.

In speaking about staffing in our schools, we have consistently said that priority would be given in the first instance to children in disadvantaged schools and those with special needs. We have done this. Now, in line with the

Government commitment, mainstream class sizes are also being reduced.

### Special Educational Needs.

230. **Mr. F. McGrath** asked the Minister for Education and Science if she will support a group of northside parents of autistic children currently awaiting a decision on approval for a specialised school entitled Acorn Aba; and if this will be made a priority issue. [8661/06]

**Minister for Education and Science (Ms Hanafin):** My Department is currently considering a report from the National Council for Special Education, NCSE, in relation to the application in question. My officials will notify all relevant parties when a decision on the application has been made.

### Schools Building Projects.

231. **Mr. Quinn** asked the Minister for Education and Science if funding will be made available for an extension to a school (details supplied); and if she will make a statement on the matter. [8683/06]

**Minister for Education and Science (Ms Hanafin):** An application for a PE hall at the school referred to by the Deputy has been assessed in accordance with the published prioritisation criteria for large scale building projects. This project has been assigned a band 4 rating and its progress will be considered in the context of the school building and modernisation programme from 2006 onwards.

### Schools Building Projects.

232. **Mr. Naughten** asked the Minister for Education and Science the reason for the delay in approving funding for a post-primary school building project (details supplied); the status of the project; and if she will make a statement on the matter. [8684/06]

**Minister for Education and Science (Ms Hanafin):** The proposed refurbishment and extension project for the school referred to by the Deputy is at an early stage of architectural planning. Following increased enrolments in the school, a revised schedule of overall accommodation issued to the school in late 2005. A planning and briefing meeting was held in October 2005 and the school's mechanical and electrical engineer was requested to forward a detailed condition report on current installations in the school. This project cannot be progressed until the documentation requested has been received and examined by officials in my Department.

A decision on which school building projects will advance to tender and construction will be

considered in the context of the School Building and Modernisation Programme 2006-2009.

233. **Mr. Stagg** asked the Minister for Education and Science if she will sanction the selection of the preferred tender for a new school (details supplied) in County Kildare. [8698/06]

**Minister for Education and Science (Ms Hanafin):** The tender report in respect of the new school in question was received by my Department in early December 2005 and has since been assessed. When the legalities associated with the site transfer are concluded, I expect that my Department will be in a position to approve the appointment of the successful contractor and for the construction phase to commence.

234. **Mr. Stagg** asked the Minister for Education and Science the reason for the delay in approving the stage three submission relating to the required extension to a school (details supplied) in County Kildare. [8700/06]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. The school in question was listed in my announcement of April 2005 as a project to progress through architectural planning up to pre-tender stage, that is, up to and including advanced architectural planning.

In order to bring this project to the required stage, my Department's officials have requested and received various amendments to the stage three submission, including detailed plans and costs during 2005. My Department's officials wrote to the school authorities on 21 September 2005 with some further queries and a response has been received. This will be examined as soon as possible and my officials will then be in further contact with the school authorities with regard to the next steps involved in progressing this project.

Progression of projects to construction will be considered in the context of the School Building and Modernisation Programme 2006-2009.

235. **Mr. Stagg** asked the Minister for Education and Science if the Chief State Solicitor's office has cleared the contract documents relating to the purchase of a site for a new national school in Ardclough, County Kildare. [8704/06]

**Minister for Education and Science (Ms Hanafin):** The contract documents for the purchase of the site for a new national school in Ardclough, County Kildare were received by the Chief State Solicitor's office on 24 January 2006. The conditions under which the property is being offered are currently being examined.

### Appointments to State Boards.

236. **Mr. Nolan** asked the Minister for Education and Science the names of all board appointments made by her for the past five years; and if she will make a statement on the matter. [8726/06]

**Minister for Education and Science (Ms Hanafin):** The information sought by the Deputy is being compiled in my Department and will be forwarded to him directly on completion.

### Third Level Fees.

237. **Mr. Wall** asked the Minister for Education and Science the mechanism available to a person (details supplied) in County Kildare relating to her application for a college course; and if she will make a statement on the matter. [8729/06]

**Minister for Education and Science (Ms Hanafin):** Under the terms of the free fees initiative my Department meets the tuition fees of eligible students. The main conditions are that students must be first-time undergraduates and hold EU nationality or official refugee status and have been ordinarily resident in an EU member state for at least three of the five years preceding their entry to an approved third level course.

The candidate referred to by the Deputy does not satisfy the eligibility conditions for the free fees initiative and is therefore liable for the cost of the tuition fees on her chosen course.

I emphasise the distinction between the criteria that determines eligibility under the free fees initiative and the criteria by which individual third level institutions establish what rates of tuition fees should be charged in cases where a student does not qualify for free fees. The third level institutions are autonomous bodies and, as such, may determine the level of fees to be charged in any cases where the free fees initiative does not apply.

I advise the Deputy of the provisions under section 473A of the Taxes Consolidation Act 1997. This section provides tax relief for eligible persons, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU member states and postgraduate courses in non-EU countries.

Tax relief at undergraduate level extends to approved full and part-time courses in both private and publicly funded third level colleges in the State and any other EU member state and approved full and part-time courses operated by colleges in any EU member State providing distance education in the State.

In 2001, section 29 of the 2001 Finance Act amended the Taxes Consolidation Act 1997 to

provide for the amalgamation of the then existing four tax reliefs for third level education fees. The section also extended the relief by removing the restrictions for repeat years, for individuals undertaking more than one course and for those already holding a third level qualification. It also removed the exclusion of certain courses in medicine, dentistry, veterinary medicine and teacher training. The relief is also extended to postgraduate fees paid for third level education in private and publicly funded third level colleges in non-EU countries. Tax relief for undergraduate fees is also now available in EU countries for duly accredited private third level colleges.

Tax relief on tuition fees is claimed directly from the tax office using an IT 31 form. Details of approved colleges and courses are also available on Revenue's website at [www.revenue.ie](http://www.revenue.ie).

Approved undergraduate courses must be of at least two years duration and both the college and the course must satisfy the codes of standards as laid down by the Minister for Education and Science with the consent of the Minister for Finance.

### Education Welfare Service.

238. **Mr. Costello** asked the Minister for Education and Science the reason a person (details supplied) in County Dublin has not attended school for the past three years; and if she will make a statement on the matter. [8754/06]

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** This issue is a matter for the National Educational Welfare Board, which is established under the Education (Welfare) Act 2000 and is the single national body with responsibility for school attendance. The Act provides a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education. Therefore, I have requested the National Education Welfare Board to respond directly to the Deputy on the particular issue raised.

### Services for People with Disabilities.

239. **Mr. Boyle** asked the Minister for Education and Science the extent to which resources are provided to allow people with disabilities to participate in further education. [8760/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** It is the Department's policy to seek to encourage and facilitate the participation of people with disabilities on programmes offered in the further

education sector. It is acknowledged, however, that while further education programmes are open to people with disabilities, the supports required to enable them to access these options are in need of further development. Generally, issues of access for individuals to further education programmes are addressed at local level.

In December 2005, special grants were provided by my Department to vocational education committees to upgrade services through the purchase of equipment and materials, refurbishment and minor structural works to enhance the provision for students with disabilities.

The vocational training opportunities scheme is primarily for unemployed people but people with disabilities are also a target group. Under the scheme, full-time courses of one or two years' duration are provided to participants to enhance their employability.

The back to education initiative provides part-time further education programmes for adults to give them an opportunity to combine a return to learning with family, work and other responsibilities. People with disabilities are one of the target groups of the programme.

People with disabilities may also avail of adult literacy courses provided by the VECs around the country. A grant has also been provided to the Irish Deaf Society to train tutors to give literacy tuition. A grant is awarded annually to the Dyslexia Association of Ireland as a contribution towards assessments.

People with disabilities also benefit from grants under the education equality initiative. This is one of a range of initiatives which seek to address educational disadvantage by promoting equality of access and equality of treatment. This is achieved through the provision of short-term, two-year or three-year grants to organisations for specific purposes. Under the current phase of the initiative, running from 2003 to 2006, grants have been awarded to three projects catering for people with disabilities.

An action research pilot project was developed in a number of further education colleges in the Dublin area. This pilot project continues to be supported by two disability support officers, the National Training and Development Institute as well as flexible additional funds for transport, equipment, interpreters and so forth. The service identifies and offers supports to students and staff around the area of disability. The provision of awareness-raising sessions and participation in college open and recruitment days is also an integral element of the role of the support officer.

#### **Departmental Staff.**

240. **Mr. Allen** asked the Minister for Defence, further to Question No. 1411 of 25 January 2006, if he will reconsider his decision in the case of a

person (details supplied) in County Cork. [8692/06]

**Minister for Defence (Mr. O'Dea):** The person concerned has exhausted his entitlement to sick pay under the terms of the departmental sick leave scheme as he has availed of over 365 days sick leave in the past four years. As I explained in my reply to Question No. 1411 of 25 January, 2006, the terms of the departmental sick leave scheme are of general application and they cannot be altered to suit individual circumstances. Accordingly, it is not possible to authorise additional payment under the departmental sick leave scheme in this particular case.

#### **Appointments to State Boards.**

241. **Mr. Nolan** asked the Minister for Defence the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8727/06]

**Minister for Defence (Mr. O'Dea):** The following appointments to boards were made by me and my predecessor at the Department of Defence, Deputy Michael Smith, in the past five years:

#### *Coiste An Asgard*

Mr. Sean Flood appointed 31 July 2002.

Mr. Gerard O'Donnell appointed 9 August 2002.

Mr. Patrick J. O'Hara appointed 30 September 2002.

Mr. Frederick Morris appointed 27 February 2003, resigned October 2004.

Mr. Pat Hogan appointed 9 June 2005.

Ms Joannes Berkery appointed 9 August 2002.

Dr. Roy Browne appointed 9 August 2002.

Mr. Michael Murphy appointed 9 August 2002.

Ms Kalanne O'Leary appointed 24 September 2002.

Mr. Seamus McLoughlin appointed 9 October 2002

Commodore Frank Lynch appointed 5 October 2003.

Mr. Gerry Donnelly appointed 11 February 2004.

Mr. Brian Byrne appointed 19 May 2005.

Mr. Gerry McMahon appointed 19 May 2005.

Mr. Gerard Kiely appointed 8 November 2005.

Except where indicated above, appointments were for a period of five years.

[Mr. O'Dea.]

*Army Pensions Board*

Mr. Thomas Harrington, Chairperson, appointed 22 May 2001.

Commandant John Tobin appointed 24 October 2002.

*Civil Defence Board*

Dr. Michael P. Ryan appointed 5 June 2002.

Mr. Gerry Gervin appointed 5 June 2002, re-appointed 30 June 2005,

Councillor Margaret Adams appointed 5 June 2002.

Mr. Tony Kelly appointed 5 June 2002, re-appointed 11 July 2005.

Mr. Paddy Durack appointed 5 June 2002.

Mr. Ned Gleeson appointed 5 June 2002, re-appointed 30 June 2005.

Mr. Sean Hogan appointed 5 June 2002, re-appointed 21 Sept 2005.

Dr. Ann McGarry appointed 5 June 2002.

Mr. Declan Burns appointed 5 June 2002.

Mr. Michael Fitzsimons appointed 5 June 2002.

Colonel Michael Cleary appointed 5 June 2002.

Chief Superintendent Denis Fitzpatrick appointed 5 June 2002.

Ms Frances Moynihan appointed 5 June 2002.

Ms Irene O'Meara appointed 5 June 2002.

Mr. Patrick J. Cooney appointed 25 June 2004, terminated 5 June 2005.

Chief Superintendent. John T. Farrelly appointed 13 October 2004 up to 5 June 2005, re-appointed 21 September 2005.

Commandant Kevin Houston appointed 5 November 2004 up to 5 June 2005, re-appointed 21 September 2005.

Ms Gabrielle Willis appointed 30 June 2005.

Mr. Gerry Naylor appointed 30 June 2005.

Ms Roisin McGuire appointed 30 June 2005.

Mr. Joe Maher appointed 11 July 2005.

Ms Kay Caball appointed 11 July 2005.

Mr. Oliver O'Loughlin appointed 11 July 2005.

Dr. Barbara Rafferty appointed 21 September 2005.

Ms Majella Byrne appointed 21 September 2005.

Except where indicated above, appointments to the Civil Defence Board were for a period of three years.

**Defence Forces Claims.**

242. **Mr. Stanton** asked the Minister for Defence the number of claims made by members of the Reserve Defence Forces each year since 2000 for injuries received in the course of training or duty as members of the Defence Forces; the number of these claims that were settled and the costs to the State in each respective year; and if he will make a statement on the matter. [8755/06]

**Minister for Defence (Mr. O'Dea):** Details of the claims made by members of the Reserve Defence Force in each of the years in question are contained in the following tabular statement:

Number of Claims Registered by Members of the Reserve Defence Forces

Year	No. Registered	Outstanding	Finalised	Amount Paid	Costs Paid
				€	€
2000	192	19	173	1,659,579.10	814,648.37
2001	163	18	145	1,298,631.82	730,242.16
2002	206	72	134	980,072.00	514,329.66
2003	67	27	40	196,581.00	143,272.38
2004	22	16	6	9,500.00	5,541.71
2005	10	10	0	0.00	0.00
2006	2	2	0	0.00	0.00
Total	662	164	498	4,144,363.92	2,308,034.28

**Soil Erosion.**

243. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the reasons for farmers being obliged to remove all sheep from the Nephin Beg Range, County

Mayo for a six month period each year; the surveys carried out regarding recovery from erosion of soil as a consequence of destocking over the past five years; the progress achieved in soil recovery; and if he will make a statement on the matter. [8613/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Overgrazing has led to environmental problems, particularly loss of vegetation and soil erosion in commonages throughout the country, including the Nephin Beg range.

Payments to farmers for destocking under commonage framework plans, were introduced from end of 1998 as an attempt to aid vegetation recovery in these areas. A recent monitoring survey in this area, carried out as part of an intended wider monitoring of commonages, has shown that, apart from some small areas, there has not been satisfactory recovery of the habitat vegetation.

Accordingly, it is necessary to amend the requirements for this commonage by providing that it should be destocked completely for five months of the year — November-December, and mid-February to mid-May. Further monitoring will, of course, be carried out to check the rate of recovery.

The above developments are also being communicated to the European Commission in the context of Ireland's response to the European Court of Justice judgment against Ireland on the issue of overgrazing in the Owenduff-Nephin Beg area.

#### Waste Disposal.

244. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the criteria he used in assessing the contract for the Poolbeg incinerator which he signed in 2006; and the transport infrastructure he envisages to cope with the predicted extra 400 trucks per day travelling to and from the proposed facility. [8637/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 257 of 1 March 2006.

It will be a matter for Dublin City Council and its PPP partner to provide assurance to the statutory planning process that waste can be delivered to the proposed plant satisfactorily having regard to considerations of local amenity and infrastructure.

#### Environmental Policy.

245. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if owners of bogland have to obtain planning permission to cut turf on their land; if so, the locations where in County Mayo; and if he will make a statement on the matter. [8673/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Planning and Development Regulations 2005 generally exempt peat extraction below a threshold of ten hectares from the requirement for planning per-

mission. However, there are exceptions where the peat extraction would have significant effects on the environment.

In these limited cases, planning permission must be applied for, accompanied by an environmental impact statement. Where the peat extraction takes place within peatland areas that have been afforded protection either as special areas of conservation or natural heritage areas, these are subject to a separate control system which is unaffected by the change to the regulations.

#### Flood Relief.

246. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will allocate specific funding to Roscommon County Council to address the flooding vulnerability of the Athlone to Clonown Road; if he will ensure the erection of crash barriers on the road in question due to the serious safety hazard when flood waters are high; and if he will make a statement on the matter. [8685/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and improvement of non-national roads in County Roscommon is a matter for Roscommon County Council to be funded from its own resources supplemented by State grants.

In August 2005, my Department sought applications from road authorities for funding under the 2006 EU co-financed specific improvements grant scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for road authorities. Roscommon County Council submitted a number of applications but these did not include an application for funding for the Athlone to Clonown Road.

On 25 January 2006, Roscommon County Council wrote to my Department seeking a special allocation of €100,000 for a study on the ground conditions, methods of construction and cost of carrying out improvement works on the Athlone to Clonown Road. The council was informed that the 2006 grants were fully allocated; that there were no funds available to fund these works; but that it was open to the council to use a combination of its own resources and discretionary improvement grant allocation for this purpose. The 2006 discretionary improvement grant allocation to Roscommon County Council is €1,014,000, an increase of 7% on the initial 2005 allocation. The selection of works to be funded from this allocation is entirely a matter for the council.

The council was also informed that, as an alternative, it could submit a formal application under the 2006 EU co-financed specific improvements grant scheme for consideration. While moneys have been fully allocated for 2006, if a suitable

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application were submitted, my Department would be prepared to consider giving approval to the council to proceed with the study on the condition that the scheme would be submitted as a priority on the council's 2007 EU Co-Financed Specific Improvements Grant list of applications. This would allow the council to recoup approved expenditure of up to €100,000 in 2007.

#### Housing Grants.

247. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in calculating the amount allocated and amount spent by each local authority on the disabled persons grant and essential repairs grants schemes in 2005. [8702/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Details of the amounts allocated to each local authority on the disabled persons and essential repairs grants schemes in 2005 were set out in the reply to Question Nos. 1507, 1508 and 1512 of 25 January 2006. Expenditure outturn details on the grant schemes in 2005 have not yet been received from all authorities. I will arrange for a copy of the compiled information to be forwarded to the Deputy, when completed.

#### Water and Sewerage Schemes.

248. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he has approved the contract documents for the Lower Liffey Valley sewerage scheme. [8703/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In May 2005 I approved Kildare County Council's proposals to proceed with work on an advance section of the scheme at Straffan which I understand is now in progress. Kildare County Council's contract

documents for the major elements of the scheme are under examination in my Department and a decision will issue shortly. Approval of the contract documents will enable the council to invite tenders for the carrying out of the works.

249. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he is in a position to approve Kildare County Council's revised preliminary report and water services pricing policy report in relation to the Upper Liffey Valley sewerage scheme, stage three. [8705/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 515 of 28 February 2006.

#### Appointments to State Boards.

250. **Mr. Nolan** asked the Minister for the Environment, Heritage and Local Government the names of all board appointments made by him for the past five years; and if he will make a statement on the matter. [8728/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A number of different statutory processes are involved in appointments to public bodies. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister for the Environment, Heritage and Local Government. In other cases only particular public office holders may be appointed to certain boards. In a number of situations, only some appointments to the body concerned are made by the Minister.

In the context of the above, the names of those appointed by me to State boards since my appointment as Minister for Environment, Heritage and Local Government in September 2004 are set out in the following table:

Name of state board	Names of Ministerial appointees to board since 29 September 2004
Affordable Homes Partnership	Des Geraghty Mary Lambkin Maureen Lynott Mary Higgins
An Bord Pleanála	Margaret Byrne Mary Bryan Jane Doyle
Building Regulations Advisory Board	Sean Balfe
Fire Services Council	Donal Connolly Margaret Adams Mary Bohan Stephen Brady Gus Byrne

Name of state board	Names of Ministerial appointees to board since 29 September 2004
Heritage Council	Anne Costello Majella Dempsey Frank Dennison Jim Dunphy Tony Gleeson John L'Estrange Brendan McCoy Frances Murray Theresa White Tom O'Dwyer Betty Coffey Billy Colfer Professor Gabriel Cooney Ted Creedon Brendan Dunford Deirdre Ellis-King Donal Enright Dr. Carolynne Ferris Rhonwen Hayes Maurice Hurley Mary Keenan Noel Keyes Martina Maloney Nioclás Ó Conchubhair Finola Reid Virginia Teehan
Local Government Management Services Board	Peter Greene
National Building Agency	Joe Allen
Private Residential Tenancies Board	Joe Behan Tom Dunne Fintan McNamara Sheila McMahan Anne Colley Marjorie Murphy Mary Heaslip Liam O'Donnell Aideen Hayden Patrick Riney Dr. Bairbre Redmond Conn Murray Dr Eoin O'Sullivan Dervla Quinn James Bridgeman Tony Taaffe
Radiological Protection Institute of Ireland	Dr. Francis J. Mulligan

### Planning Issues.

251. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a person (details supplied) in County Leitrim has infilled part of Gulladoo Lake, County Leitrim built over what was part of the flood plain of the

lake, erected walls and railings, erected private property-no trespassing signs thereby restricting entry for anglers, shooters and other recreational users right of access along the foreshore which was used by the public for generations; if the State own the lake and up to the high water mark; the action he proposes to take to ensure that the



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position is rectified and that access to the middle lake is restored to the public. [8790/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Gulladoo Lough

is considered to be in the ownership of the State but has not been designated under wildlife legislation. I will have the matters raised in the question examined in my Department with a view to responding in more detail to the Deputy and determining on any action appropriate to my Department.